

EAST ASIA AND THE PACIFIC

AUSTRALIA

Australia is a constitutional democracy with a federal parliamentary form of government in which citizens periodically choose their representatives in free and fair multiparty elections. The Government respects the constitutional provisions for an independent judiciary in practice.

Federal and State police are under the firm control of the civilian authorities and carry out their functions in accordance with the law. There were occasional reports that police committed abuses.

A highly developed market-based economy, which includes manufacturing, mining, agriculture, and services, provides most citizens with a high per capita income. A wide range of government programs offers assistance for disadvantaged citizens.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. There were occasional reports that police beat or otherwise abused persons. The Government administers many programs to improve the socioeconomic conditions of Aborigines and Torres Straits Islanders, who together form about 2 percent of the population, and to address longstanding discrimination against them. Societal violence and discrimination against women are problems that are being addressed actively. There were some instances of forced labor, and trafficking in women is a limited but growing problem, which the Government is taking steps to address. Leaders in the ethnic and immigrant communities expressed concern that increased numbers of illegal immigrants and violence at migrant detention centers contribute to instances of vilification of immigrants and minorities.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government officials. However, 85 persons died in prisons, police custody, or during police attempts to detain them (see Section 1.c.).

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits all such practices; however, there were occasional reports that police mistreated suspects in custody. Indigenous groups charge that police harassment of indigenous people is pervasive and that racial discrimination among police and prison custodians persists. Amnesty International reported several incidents that involved such abuses. State and territorial police forces have internal affairs units that investigate allegations of abuse and report to a civilian ombudsman.

In 1999 the total number of deaths in custody fell by 8 to 85. Of these, 26 deaths occurred in police custody or during attempts by police to detain suspects. The remainder occurred in prison custody. Of the total deaths in custody, 29 persons died from hanging. Nineteen persons died of natural causes. Eight died as a result of injuries sustained while fleeing police during high-speed pursuit. Another eight died of other injuries. The police shot and killed six persons. Three persons died from self-inflicted gunshot wounds. Eleven persons died as a result of drug overdoses. One person died from unspecified causes. There were no juvenile deaths in custody during 1999. However, in February, a 15-year-old Aboriginal boy committed suicide in a Darwin detention center while serving a mandatory 28-day sentence for property offenses. In all cases where deadly force is used, the circumstances of the case are reviewed and police have been sanctioned in cases where abuses have been found to occur. There were no cases during the year for which police were disciplined for the unjustified use of force.

Aboriginal adults represent 1.6 percent of the adult population but constituted approximately 20 percent of the total prison population, according to a March report

by the Australian Bureau of Statistics. During 1999 Aborigines accounted for 19 (roughly 22 percent) of the 85 deaths in custody. Six died in police custody or during attempts by police to detain them. Of the six, three died from hanging; one died of natural causes; and two died from injuries. Thirteen died in prison. Of the 13 who died in prison, 3 died from hanging; 7 died of natural causes; 2 died from injuries; and 1 died from a drug overdose.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

At several points during the year, there were allegations that staff at Woomera immigration detention center were aware of and did nothing to stop a male detainee from offering his 13-year-old son to other detainees for sex. In December a South Australia state government inquiry found no evidence to support these allegations; it also found no evidence that the boy had been sexually abused.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

There is a well-developed system of federal and state courts, with the High Court at its apex. Almost all criminal trials are conducted by courts established under state and territorial legislation. The Federal Court and the High Court have very limited roles to play.

The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

When trials are conducted in local courts, magistrates sit alone. In higher courts, namely the state district or county courts and the state or territorial supreme courts, trials are usually conducted before a judge and jury. The jury decides on the facts and on a verdict after a trial conducted by a judge.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices; government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although there is no bill of rights, in two decisions the High Court has indicated that freedom of political discourse is implied in the Constitution. The Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association.—Freedom of association is codified in the Workplace Relations Act of 1996. While the right to peaceful assembly is not codified in law, citizens exercise it without government restriction.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Constitution prohibits the adoption of a state religion. Minority religions are given equal rights to land, status, and building of places of worship.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The Government encourages immigration by skilled migrants, family members, and refugees.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There is no provision for first asylum. In April 1999, the Government offered temporary safe haven to 4,000 Kosovar refugees. On September 1, 1999, 550 East Timorese were given similar temporary protection. In November 1999, the Government changed its policy on undocumented migrants and asylum seekers. Previously those who claimed a fear of persecution if returned to their country of origin were either issued or denied protection visas, providing for full residence and employment rights, with no intermediate measures. With the change in policy, undocumented arrivals are issued a temporary protection visa valid for 3 years only. This visa does not provide for application for family reunification and limits access to public benefits to medical assistance only. After 3 years, a case is reviewed, at which point a full protection visa is issued if the person is still unable to return home.

Under the Migration Reform Act of 1994, asylum seekers who arrive at the border without prior authorization to enter the country are automatically detained but may

be released from detention if they meet certain criteria—including age, ill-health, and experiences of torture or other trauma. The majority of asylum seekers are detained for the sometimes prolonged asylum adjudication process. The large number of asylum seekers entering the country in 1999 and during the year slowed the processing of protection claims while the Department of Immigration and Multicultural Affairs acquired additional staff and resources. Previously a primary decision on an application for refugee status could be made in an average of 6 weeks; however, the increased workload initially raised the average time for the primary decision to 16 weeks. By year's end, the average time for a primary decision had fallen. Those who obtained a positive primary decision were released immediately from detention; those who continued to pursue their cases remain detained until their cases were resolved or they were returned to their country of origin. As a result, a small number of asylum seekers are detained for years, while their cases are reviewed and appealed. The Government's 2000-01 budget, which assumes an 18-week period for processing claims, includes financial incentives to the Department of Immigration and Multicultural Affairs to process claims more quickly in order to reduce the amount of time protection seekers are held in detention. The detention policy has led to extensive litigation initiated by human rights and refugee advocacy groups, which charge that the sometimes-lengthy detentions violate the human rights of the asylum seekers. The U.N. Human Rights Committee stated in April 1997 that Australia had violated the rights of a boat person by detaining him for more than 4 years while his applications to remain in the country were being considered. The Human Rights Committee stated that his detention was arbitrary and in violation of the International Covenant on Civil and Political Rights. In an April 1997 report to Parliament, the federally funded but independent Australian Human Rights and Equal Opportunity Commission (HREOC) also criticized the Government's treatment of asylum seekers as breaching international treaty obligations. However, in 1999, the HREOC acknowledged that conditions in detention centers had improved since its 1997 report. During the year, there were two major disturbances at the Woomera detention center by detainees who alleged that they were being held in unsatisfactory conditions. The first of the disturbances was nonviolent, and was resolved peacefully after the Government pledged increased attention to the detainees' requests. However, the second disturbance became violent when some of the detainees set fire to several buildings at the detention center. Security guards used water cannon to restore order. The Government refused to negotiate with the leaders of the second disturbance, on the grounds that they had used violence. The Government maintains that the detainees' fundamental human rights are protected, and that their demands, for items such as satellite television, are excessive; human rights groups allege that detainees are abused and beaten by the guards at Woomera, but have not provided evidence of such mistreatment. Late in the year, the federal government launched an inquiry to determine whether detainees at Woomera had access to complaint mechanisms such as the government ombudsman and HREOC if they felt that they were being mistreated. At several points during the year, there were allegations that staff at Woomera were aware of and did nothing to stop a male detainee from offering his 13-year-old son to other detainees for sex. In December a South Australia state government inquiry found no evidence to support these allegations; it also found no evidence that the boy had been abused sexually.

During the year, some Kosovar Albanians, who had been allowed to enter the country on a temporary basis while facing danger in Kosovo, were returned to Kosovo after the UNHCR determined that it was safe for them to return. However, some claimed that they still feared for their safety and were returned involuntarily. Prior to their departure, these persons were given an opportunity to apply for protection under Australian law; some sought and were granted such protection. Others were granted extensions of their stay for family or health reasons.

In 2000-01, the Government planned to accept 76,000 migrants, with an additional 12,000 admitted under the humanitarian program. This figure was to include 2,000 places for those persons already in the country who were granted refugee status. As in 1997-98 and 1998-99, the humanitarian program continues to give priority to the former Yugoslavia, the Middle East, and Africa. Persons admitted under the humanitarian program have immediate access to a wide range of government welfare and health benefits, including income support, English education, and translating and interpreting services. In 1998-99, the Government spent approximately \$4.9 million (A\$7.9 million) on resettlement services for refugees. An additional \$3.25 million (A\$5 million) was spent on other forms of refugee assistance.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage and mandatory voting. In October 1998, voters elected the Liberal-National Party coalition to a second 3-year term of office. On November 6, 1999, voters rejected a referendum to amend the Constitution to become a republic.

There are no legal impediments that prevent women and indigenous people from holding public office; however, women are underrepresented in government and politics. Approximately 25 percent of federal parliamentarians are women, an increase from 22 percent in the last Parliament. Both the Government and the opposition have declared their intent to increase the numbers of women elected to public office.

The deleterious effects of poor educational achievement and a generally inferior socioeconomic status have contributed significantly to the underrepresentation of Aboriginals among political leaders. One Aboriginal was elected to the Federal Senate in the October 1998 elections; there were no Aboriginals in the previous Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups, of which there are a large number, operate without government restriction (and in some instances with government funding), investigating and publishing their findings on human rights cases. Government officials cooperate and respond to their views. The most significant of these is the federally funded but independent Human Rights and Employment Opportunity Commission (HREOC). Overall complaints of discrimination filed with the HREOC dropped from 1,659 in 1998-99 to 1,317 in 1999-00, a 26 percent reduction. Approximately 43 percent of all cases are declined because they do not fall under HREOC's jurisdiction and/or no discrimination has been shown, 37 percent are resolved through conciliation, 12 percent are withdrawn before action can be taken, and 8 percent are referred for further action.

In July the U.N. Human Rights Committee stated that Australia should do more to secure for indigenous Australians a stronger role in decisionmaking over their traditional lands and natural resources. The Committee urged Australia to do more to provide remedy to members of the "Stolen Generation" (see Section 5). The Committee also recommended review of mandatory sentencing policies (see Section 5) and mandatory detention of illegal arrivals (see Section 2.d.). The Government responded that many of the recommendations were neither necessary nor desirable and reiterated its belief that mandatory detention of illegal arrivals was consistent with its treaty obligations.

In March the International Labor Organization's (ILO's) Committee on Freedom of Association made a series of recommendations regarding the country's labor laws, especially the Workplace Relations Act of 1996 and the Trade Practices Act (see Sections 6.a. and 6.b.). The Government stated in response to the recommendations that the ILO's comments "reflect an inadequate understanding of Australian law," and stated that the ILO failed to understand the domestic role that certain labor laws played. The Government rejected all of the ILO's recommendations.

In August the Government announced the results of a review of its cooperation with U.N. human rights treaty committees. While maintaining its commitment to involvement with the committees, the Government, as a result of the review, decided to limit visits by such committees to cases where a "compelling reason" exists for the visit. In addition, the Government stated that it would not delay removal of unsuccessful asylum seekers who appealed to one of the U.N. Human Rights mechanisms; previously, such persons had been allowed to remain pending the resolution of the appeal of their cases to such U.N. bodies.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination based on these factors, and the Government and an independent judiciary vigorously enforce the prohibition.

From July 1998 to June 1999, 37 cases of assault against gays and lesbians were reported in the state of New South Wales (NSW). According to a recent study by the Australian Institute of Criminology, 37 murders of homosexual men were found to be hate crimes in NSW between 1989 and 1999.

Women.—Social analysts and commentators estimate that domestic violence may affect as many as one family in three or four. Wife beating is particularly prevalent in certain Aboriginal communities. The Government recognizes that domestic vio-

lence and economic discrimination are serious problems and the statutorily independent Sex Discrimination Commissioner actively addresses these and other areas of discrimination. A 1996 Australian Bureau of Statistics (ABS) study found that 111,000 women who were married or in a common-law relationship had experienced an incident of violence by their partner in the previous 12-month period. Almost one in four women who have been married or in a common-law relationship have experienced violence by a partner at some time during the relationship, according to the ABS study.

Trafficking in East Asian women for the sex trade is a growing problem (see Sections 6.c and 6.f.).

Women have equal status under the law, and the law provides for pay equity. There are highly organized and effective private and public women's rights organizations at the federal, state, and local levels. A federal-level Office of the Status of Women monitors women's rights. The federal Sex Discrimination Commissioner receives complaints and attempts to resolve those that are deemed valid. According to government statistics, sex discrimination complaints fell by 8 percent between 1999 and this year; 325 new cases were filed during the year. Of these 83 percent were filed by women and 79 percent were employment related. In July the Australian Bureau of Statistics estimated that the ratio of female to male full-time average hourly earnings was 83 percent. However, a study released by the Australian Institute of Management in May was more pessimistic; it found that women were paid only 66 percent of their male counterparts' wages. This study also found that there were fewer female board members in both large and small companies than the previous year. Some members of opposition political parties have attributed the difference to changes in workplace laws, such as the 1996 Workplace Relations Act, which relies on the use of individual employment contracts that are negotiated privately and thus do not necessarily foster equal pay outcomes. Other commentators have suggested that an "old boy's network" can make it difficult for women to negotiate salaries equal to those of their male counterparts.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its publicly funded systems of education and medical care. The Government provides a minimum benefit of approximately 11.5 percent of the cost of childcare for each child to all parents, which increases to as much as 68 percent per child for the lowest income families.

The federal Human Rights and Equal Opportunity Commission receives complaints regarding children and attempts to resolve those it finds valid. Similarly, the six states and two territories investigate complaints of neglect or child abuse and institute practical measures aimed at protecting the child when such complaints prove founded. The Government has enacted strict legislation aimed at restricting the trade in, and possession of, child pornography, and which further allows suspected pedophiles to be tried in Australia regardless of where the crime was committed. There is no societal pattern of abuse.

The Government and domestic nongovernmental organizations (NGO's) have responded promptly to the problem of a small number of children who have been smuggled into the country, generally for the sex trade (see Sections 6.c. and 6.f.). The NGO End Child Prostitution, Pornography and Trafficking (ECPAT) has conducted an aggressive public education campaign to raise awareness of the issue and offer strategies to combat trafficking in children. ECPAT successfully lobbied the Department of Immigration and Multicultural Affairs (DIMA) to conduct police checks of unaccompanied children entering the country to verify that they are not part of a trafficking operation (see Section 6.f.). In August, the Department of Family and Community Services released its "plan of action" against the commercial sexual exploitation of children, which was designed to provide the basis for the development of a coordinated governmental response to this issue.

In the past, the occurrence of female genital mutilation (FGM), which is widely criticized by international health experts as damaging to both physical and psychological health, was insignificant. However, in recent years small numbers of girls from immigrant communities in which FGM is practiced have been mutilated. The Government has implemented a national educational program on FGM, which is intended to combat the practice in a community health context. The program is designed to prevent FGM, to assist women and girls who already have been subjected to it, and to promote a consistent approach to the issue nationwide. The Government also has allocated funds for the development of state and territory legislation to combat FGM. All states and territories except Queensland and Western Australia have enacted legislation against FGM. Western Australia is developing legislation but had not passed it at year's end; Queensland has determined that its existing legislation on assault covered FGM. In all States and Territories where FGM legislation existed, it was a crime either to perform FGM or to remove a child from the

jurisdiction to have FGM performed. Punishment for these crimes can include up to 7 years in prison.

In 1992 the High Court ruled that the right to consent to the sterilization of a minor is not within the ordinary scope of parents' or guardians' powers, except in limited circumstances. The High Court ruled that the decision to undertake sterilization procedures should be made by an independent body. The Government made the Family Courts the arbiters in such cases. In 1998 the Government made it illegal for a physician to conduct sterilization of a minor without authorization from the Family Court. Physicians who performed such procedures without court authorization were subject to both criminal and civil action.

People with Disabilities.—Legislation prohibits discrimination against disabled persons in employment, education, or other state services. The Disability Discrimination Commissioner promotes compliance with federal laws that prohibit discrimination against disabled persons. The Commissioner also promotes energetic implementation and enforcement of state laws that require equal access and otherwise protect the rights of disabled persons. On July 21, 1999, the Human Rights and Equal Opportunity Commission found that a private primary school had violated the federal Disability Discrimination Act when it refused to enroll a 7-year-old girl with spina bifida in its kindergarten program. An appeal of the ruling by the school was dismissed on May 18 by a federal court, and the girl was awarded financial compensation.

No federal legislation mandates the uniform provision of accessibility for the disabled. It is lawful to deny employment or services to those with disabilities if there are reasonable grounds for believing that the disabled person would be unable to carry out the work or would require the employer or service provider to furnish services or facilities that could not be provided reasonably.

During the year, 445 complaints of discrimination due to disability were filed with the HREOC, representing a 13 percent reduction in complaints compared with 1999. Of these 44 percent were employment related and 32 percent concerned the provision of goods and services.

Indigenous People.—The Racial Discrimination Act of 1975 prohibits discrimination on grounds of race, color, descent, or national or ethnic origin. The Ministry for Aboriginal Affairs, in conjunction with the elected Aboriginal and Torres Straits Islander Commission (ATSIC), has the main responsibility for initiating, coordinating, and monitoring all governmental efforts to improve the quality of life of indigenous people. A wide variety of government initiatives and programs seek to improve all aspects of Aboriginal and Torres Straits Islander life. In 2000-01 the Government plans to spend approximately \$1.2 billion (A\$2.3 billion) on indigenous-specific programs in areas such as health, housing, education, and employment. Spending on

indigenous-specific programs is the highest on record in real terms and amounts to \$11,440 (A\$22,000) per indigenous household (in addition to other nonindigenous-specific federal and state assistance programs to which indigenous persons may be entitled).

However, in practice indigenous Australians continue to experience significantly higher rates of imprisonment, inferior access to medical and educational institutions, greatly reduced life expectancy rates, elevated levels of unemployment, and general discrimination, which contribute to a feeling of powerlessness.

According to the Australian Institute of Criminology (AIC), indigenous people were imprisoned nationally at 11 times the rate of nonindigenous people in 1998. The AIC reports that the incarceration rate among indigenous youth was 18.5 times that of the nonindigenous youth population. Over 45 percent of Aboriginal men between the ages of 20 and 30 years have been arrested at some time in their lives. Human rights observers claim that socioeconomic conditions give rise to the common precursors of indigenous crime, for example, unemployment, homelessness, and boredom.

During the year, considerable controversy arose over the mandatory sentencing policies of the Northern Territory and Western Australia. These policies set automatic prison terms for multiple convictions of certain crimes. For example, in the Northern Territory, adults (17 years of age or over) convicted of property crimes of any magnitude must serve 14 days for the first offense, 90 days for the second offense, and not less than 1 year for the third offense. Juveniles (15 to 16 years of age) may be placed in a diversionary program for their first property-related offense, or, if they refuse or do not qualify, may face a 28-day sentence for a second offense. Judges must impose jail sentences on juveniles for a third property offense of any magnitude, even for petty theft. In March 11 juveniles were being held in detention; the Northern Territory reported that 31 percent of the juvenile repeat offenders convicted between March 1997 and December 1999 received mandatory minimum sen-

tences of 28 days. It was not clear how many of those offenders received a mandatory sentence more than once. Human rights groups and international bodies such as the U.N. Human Rights Committee have criticized the mandatory sentencing policies, which they allege have resulted in prison terms for relatively minor crimes and indirectly target Aboriginals. In particular juvenile offenses subject to mandatory sentences were criticized widely after the death in February of an Aboriginal boy serving an automatically imposed sentence in the Northern Territory. Western Australia agreed to reform the system as it applies to juveniles in order to put more juvenile offenders into rehabilitation programs. On July 29, the U.N. Human Rights Committee issued an assessment of the country's human rights record, which was highly critical of mandatory sentencing. Despite the domestic and international pressure, the federal Government decided not to interfere in what it considered to be the states' prerogative, arguing that the laws were passed by democratically elected governments after full political debate, making it inappropriate for the federal government to intervene.

Indigenous groups charge that police harassment of indigenous people, including juveniles, is pervasive and that racial discrimination among police and prison custodians persists. A human rights delegation that visited in 1996 alleged a pattern of mistreatment and arbitrary arrests occurring against a backdrop of systematic discrimination. Most of the juveniles interviewed complained about violence occurring after apprehension and during questioning about alleged offenses. In November 1998, the Queensland Government launched an inquiry after it was discovered that an 11-year-old Aboriginal boy had been held for 3 days in an adult detention center because no youth facility was available in that remote part of the state. Indigenous people believed that police systematically mistreat them; however, there are no government statistics to confirm this perception.

The average life expectancy of an indigenous person is 20 years less than that of a nonindigenous person. The infant mortality rate for indigenous children is 2 times that of nonindigenous children. The maternal mortality rate for indigenous women has declined to 4 times that of nonindigenous women. The rates of tuberculosis and hepatitis A and B among indigenous people are 1.5 times that of nonindigenous people. The rate of leprosy among indigenous people is 4 times that of nonindigenous people. According to the Commonwealth Department of Education, Training and Youth Affairs, indigenous youth are 2.5 times more likely than nonindigenous youth to leave school before completing high school. According to the 1996 census, only about 2 percent of indigenous people reported having a bachelor's degree as compared with 11 percent of other citizens. According to a study by the Australian Bureau of Statistics, indigenous unemployment was 17.6 percent in February, down from a high of 27.8 percent in 1994. This figure compared with an unemployment rate of 7.3 percent in February for nonindigenous workers.

Government programs, including a \$390 million (A\$750 million) indigenous land fund and a "Federal Social Justice Package," aim at reducing the challenges faced by indigenous Australians. In July 1998, after a compromise with its opponents, the Government was able to pass amendments to the 1993 Native Title Act. The ATSIC stated that the amended act provided gains for Aboriginal people but still contains "substantial pain" for native title claimants. Aboriginal leaders were pleased by the removal of the time limit for lodging native title claims but expressed deep concern about the weakening of Aboriginal rights to negotiate with non-Aboriginal leaseholders over the development of rural property. Aboriginal groups continue to express concern that the amended act limits the future ability of Aboriginal people to protect their property rights. At present, 14.25 percent of Australian land is owned or controlled by Aboriginal people according to the Australian Surveying and Land Information Group. In March the U.N. Committee on the Elimination of Racial Discrimination (CERD) expressed serious concern that the Government's Native Title amendments would allow the states and territories to pass legislation containing provisions "reducing further the protection of native title claimants." The CERD declared "unsatisfactory" the Government's response to concerns about the Native Title regime expressed in 1999. The Government responded that the laws were passed after full debate in a democratically elected legislature and that the states have a sovereign right to determine land use policy.

On August 26, 1999, the Government, in identical motions passed by both Houses of the Federal Parliament, expressed public regret for past mistreatment of the Aboriginal minority; however, the government-sponsored motion of reconciliation was criticized by many Aboriginal leaders as not going far enough. Prime Minister Howard acknowledged the "most blemished chapter in our national history" and submitted a seven-point motion to Parliament. Howard proposed that Parliament express "its deep and sincere regret" that Aborigines had "suffered injustices under the practices of past generations, and for the hurt and trauma that many indige-

nous people continue to feel." However, both Aboriginal and opposition leaders stated that only a full apology would be sufficient. The Government also continued to oppose an official apology in the specific case of the "Stolen Generation" of Aboriginal children, who were taken from their parents by the Government from 1910 to the early 1970's and raised by foster parents and orphanages. The Government's position remains that the present generation has no responsibility to apologize for the wrongs of a previous generation. In April material alleged to be a draft of a government report appeared in the media; it appeared to minimize the number of Aboriginal children taken from their families as part of the "Stolen Generation" and generated considerable concern on the part of Aboriginal leaders and others. The Government disavowed the material. In August a Federal court ruled against two claims by members of the "Stolen Generation" for government compensation by stating that the two could not prove sufficiently that they had been taken without their parents' consent. However, the presiding judge stressed that the ruling does not settle the question of compensation for "stolen" children as a whole. The ATSIC has proposed the Government establish a Reparations Tribunal to avoid costly future legal battles.

Following the 1997 publication of HREOC's landmark report on the "Stolen Generation" entitled "Bringing Them Home," the federal government allocated \$32.75 million (A\$63 million) over 4 years to a comprehensive package of initiatives to facilitate family reunion and assist persons to cope with the trauma of separation. As of June 30, total spending on these programs had reached \$10.7 million (A\$20.5 million).

Following the October 1998 reelection of the Government, Prime Minister Howard gave Immigration and Multicultural Affairs Minister Philip Ruddock additional duties with regard to Aboriginal Australians by making him the Minister assisting the Prime Minister for Reconciliation. In his victory speech following reelection, Howard said that he would make reconciliation with Aboriginals one of his second term priorities. However, in February Howard stated that reconciliation was not achievable in the timeline set, because it is such a difficult issue. In June 1999, the Council on Aboriginal Reconciliation released its draft document of reconciliation for public comment and discussion. In 1991 Parliament created the Council for Aboriginal Reconciliation to foster the reconciliation process in the country. The Council held its culminating national event, Corroboree 2000, in May, at which time it released a "Document of Reconciliation", which the Council intended to serve as a national blueprint for healing between indigenous citizens and the wider community. The final report was released in December, and it included recommendations that the federal and state governments set performance benchmarks and timelines for overcoming Aboriginal disadvantage and enact legislation to further the principles of legislation; that Parliament prepare legislation providing for a referendum on deleting a constitutional amendment on racial criteria for voting; and that Parliament add a new section to the Constitution making racial discrimination unlawful. The report also recommended that appropriate recognition be given to the Aboriginal people and Torres Strait Islanders as the original inhabitants of the land. The Council's mandate expired at the end of the year under legislation passed in 1990. The Council is scheduled to be replaced by a government-funded independent foundation, Reconciliation Australia, which is to continue its work.

In July the U.N. Human Rights Committee stated that Australia should do more to secure for indigenous citizens a stronger role in decisionmaking over their traditional lands and natural resources, and urged it to do more to provide a remedy for members of the "Stolen Generation" (see Section 4).

National/Racial/Ethnic Minorities.—Although Asians make up less than 5 percent of the population, they account for 40 percent of recent immigrants. Public opinion surveys indicated concern with the numbers of immigrants arriving in the country. In a 1997 Newspoll, 64 percent of citizens thought that the total number of migrants was "too high," although in the same poll 78 percent thought that multiculturalism has been good for the country. In a February Morgan Poll, 15 percent of citizens listed immigration as one of the three most important issues for the Government to address. In a survey published in 1996 by the Chinese-language newspaper Sing Tao, more than half the respondents said that they had been abused verbally or physically in the previous 2 months. Leaders in the ethnic and immigrant communities expressed concern that increased numbers of illegal arrivals, as well as violence at migrant detention centers, contributed to a few incidents of vilification of immigrants and minorities. However, according to the Human Rights and Equal Opportunity Commission, during the financial year ending June 30, the number of racial discrimination complaints fell 62 percent from the previous year. During the year, 325 such cases were filed, 37 percent of which involved employment or the ability to join a union; 19 percent of which involved provision of

goods, services, and facilities; and 19 percent of which involved "racial hatred." Non-native speakers of English filed 55 percent of the complaints and Aboriginals and Torres Straits islanders filed 21 percent of the complaints.

Section 6. Worker Rights

a. The Right of Association.—The law and practice provide workers, including public servants, freedom of association domestically and internationally. Approximately 32 percent of the work force is unionized.

Unions carry out their functions free from government or political control, but most local affiliates belong to state branches of the Australian Labor Party (ALP). Union members must make up at least 50 percent of the delegates to ALP conferences, but unions do not participate or vote as a bloc.

The 1996 Workplace Relations Act significantly restricted the right of workers to take industrial action by confining it to the period of bargaining, where it remains a protected action. In April 1999, a union in federal court successfully challenged this provision. In its decision, the court refused to grant an injunction against the union for taking industrial action outside of a bargaining period because it was in support of maintaining existing wages and conditions. Legislation that went into force in 1994 for the first time legalized what had always been a *de facto* right to strike.

In March the ILO's Committee on Freedom of Association recommended substantial changes to the Workplace Relations Act and the Trade Practices Act following an examination of complaints of antiunion discrimination raised by Australian and international trade unions over the Government's role in a 1998 labor dispute involving stevedores. Specifically, the ILO recommended that the Government amend the Workplace Relations Act to eliminate the linkage between restrictions on strike action and legal provisions on interference with trade and commerce. The ILO also criticized the Government's use of serving defense force personnel as replacement workers in the 1998 strike. The Government stated in response to the recommendations that the ILO's comments "reflect an inadequate understanding of Australian law." The Government rejected all of the ILO's recommendations.

Laws and regulations prohibit retribution against strikers and labor leaders, and they are effectively enforced. In practice employers tend to avoid legal remedies, e.g., secondary boycott injunctions, that are available to them in order to preserve a long-term relationship with their unions.

During the year, the most notable industrial action was taken by iron ore miners in the Pilbara region of Western Australia against the multinational resources company BHP. A series of rolling strikes over a period of several months was taken against the company for its refusal to negotiate a collective agreement with workers in the mines, but rather to introduce individual contracts into the workplace. The unions eventually achieved a court injunction against BHP offering any further individual contracts on the grounds that the action breached industrial legislation. This forced the company to the bargaining table until the full case could be heard. The case is before the Federal Court and is yet to be concluded. Meanwhile, the negotiations have stalled on the issue of union involvement in the workplace. As in past years, there were many other strikes during the year.

Unions freely may form and join federations or confederations, and they actively participate in international bodies. However, in March the ILO's Committee on Freedom of Association also recommended that the Government take measures, including amending legislation, to ensure that in the future trade union organizations are entitled to maintain contacts with international trade union organizations and to participate in their legitimate activities. The Government rejected this recommendation.

b. The Right to Organize and Bargain Collectively.—The law and practice provide workers with the right to organize and bargain collectively, and the law protects them from antiunion discrimination. However, in Western Australia, the 1997 Labour Relations Legislation Amendment Act amended several pieces of legislation, stripping workers of some protections against discrimination for trade union activities. Although workers cannot be fired for belonging to a union, the law permits individual employment contracts that override awards systems established through collective bargaining, and imposes complicated prestrike ballot requirements.

The Workplace Relations Act contains curbs on union power, restrictions on strikes, and a new unfair-dismissal system. Several unions are considering challenging the law on the grounds that it violates the right to assembly provided for in several ILO conventions that Australia has signed. The primary curb on union power is the abolition of closed shops and union demarcations. Although unions are weakened, this provision could create many small and competing unions at individual worksites. The restrictions on strikes include heavy fines for labor unrest

during the life of an agreement and tougher secondary-boycott provisions. The new unfair-dismissal system further limits redress and compensation claims by employees.

The negotiation of contracts covering wages and working conditions is gradually shifting from the centralized system of the past. Previously legislation provided for the negotiation of simpler "enterprise agreements," which were negotiated by individual companies with their workers or with the relevant union(s). The federal and state governments administered centralized minimum-wage awards and provided quasi-judicial arbitration, supplemented by industry-wide or company-by-company collective bargaining. The Workplace Relations Act also provides for the negotiation of Australian Workplace Agreements (AWA's) between employers and individual workers. These agreements are subject to far fewer government regulations than the awards. At present the AWA's are required to be roughly equivalent to basic working conditions in the award that would apply to the sector to which the firm belongs. In March the ILO recommended that the Government amend legislation so that workplace agreements do not undermine the right to bargain collectively; the Government rejected this recommendation.

There are no export processing zones. The Darwin Trade Development Zone, Northern Territory, attempts to increase exports via a geographically defined free trade zone. In practice the Darwin initiative is focused almost exclusively on its Asian neighbors to the north and west.

c. Prohibition of Forced or Compulsory Labor.—Although there are no laws prohibiting it, forced labor, including forced and bonded labor by children, generally is not practiced; however, there were instances of such abuses. Trafficking in persons, particularly in women (but also children) for the sex trade, is a limited but growing problem (see Sections 5 and 6.f.). As a result of the discovery in April 1999 of children in several clothing sweatshops in Sydney and Melbourne, the Attorney General's Department is studying existing laws and considering whether new legislation would strengthen the Government's ability to combat the problem. Most cases of abuses in the past few years have involved members of ethnic communities from nations where child labor is not uncommon. The smuggling of children for work in the sex industry appears to be a limited but growing problem (see Sections 5, 6.d., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no federally mandated minimum age of employment, but state-imposed compulsory educational requirements, monitored and enforced by state educational authorities, effectively prevent most children from joining the work force until they are 15 or 16 years of age. Federal and state governments monitor and enforce a network of laws, which vary from state to state, governing the minimum school-leaving age, the minimum age to claim unemployment benefits, and the minimum age to engage in specified occupations.

The law does not explicitly prohibit forced and bonded labor by children, but such practices generally are not known to occur, although there were instances of such abuses (see Sections 6.c. and 6.f.). Anecdotal evidence suggests that an increasing number of children, mainly from Asia, are entering the country as sex workers. The numbers of children involved is unknown. Under the laws of the various states it is illegal for an adult to have sex with a minor.

e. Acceptable Conditions of Work.—Although a formal minimum wage exists, it has not been relevant in wage agreements since the 1960's. Instead, 80 percent of workers are covered by differing minimum wage rates for individual trades and professions, all of which are sufficient to provide a decent standard of living for a worker and family.

Most workers are employees of incorporated organizations. For them a complex body of government regulations, as well as decisions of applicable federal or state industrial relations commissions, prescribe a 40-hour or shorter workweek, paid vacations, sick leave, and other benefits. The minimum standards for wages, working hours, and conditions are set by a series of "awards" (basic contracts for individual industries). Some awards specify that workers must have a 24 or 48 hour rest break each week while others specify only the number of days off per number of days worked.

Federal or state safety laws apply to every workplace.

The 1991 Occupational Health and Safety (Commonwealth Employment) Act provides federal employees with the legal right to cease work if they believe that particular work activities pose an immediate threat to individual health or safety. Most states and territories have laws that grant similar rights to their employees. At a minimum, private sector employees have recourse to state health and safety commissions, which will investigate complaints and demand remedial action.

f. Trafficking in Persons.—though there is no specific provision in the law to prohibit trafficking in persons, legislation enacted in late 1999 targets criminal practices associated with trafficking; trafficking in persons, particularly in East Asian women for the sex trade, is a limited but growing problem.

On September 21, 1999 the Criminal Code Amendment (Slavery and Sexual Servitude) Act came into force. The act modernizes the country's slavery laws, contains new offenses directed at slavery, sexual servitude, and deceptive recruiting, and addresses the growing and lucrative trade in persons for the purposes of sexual exploitation. The act provides for penalties of up to 25 years' imprisonment and is part of a federal, state, and territory package of legislation. There have not yet been any prosecutions under this legislation.

Under the act, conduct that amounts to slavery, or exercising a power of ownership over another person, carries a maximum penalty of 25 years' imprisonment. Where a person is engaged to provide sexual services and who, because of force or threats, is not free to cease or to leave, those responsible face penalties of up to 15 years' imprisonment, or 19 years if the victim is under age 18. A person who deceptively induces another person to provide sexual services faces a penalty of up to 7 years imprisonment, or 9 years if the victim is under age 18.

Another government initiative was the 1994 Child Sex Tourism Act, which provides for a maximum 25 years' imprisonment for those who engage in sexual activities with children under 18 years of age. The act also provides for a maximum 10 years' imprisonment for those who engage in sexual activities with children under 18 years of age.

visas by the Department of Immigration and Customs. The Department of Immigration and Customs also provides information on the Department of Immigration and Customs website.

sity, superintendent general of the Royal Brunei Police Force, and leader of the Islamic faith.

The police force, which has responsibility for internal security, reports to the Prime Minister's office, which includes an Internal Security Department, and is firmly under the control of civil authorities.

Brunei's large oil and natural gas reserves, coupled with its small population, give it a very high per capita gross national product. The worldwide recovery in oil prices that began in 1998 has helped restore the country's cash flow; however, the economy still continued to feel the effects of the Amedeo Corporation's collapse. The corporation, which was owned by the Sultan's brother Jefri, is being liquidated to pay debts amounting to more than \$6 billion.

The Government generally respected its citizens' human rights in several areas; however, its record was poor in other areas, particularly with regard to civil liberties, and problems remain. In practice citizens do not have the right to change their government, and they generally avoid political activity of any kind. Nor, constitutional provisions notwithstanding, do they genuinely exercise the freedoms of speech, press, assembly, and association. Other human rights problems continued, including restriction of religious freedom and discrimination against women. Despite government efforts, occasional societal violence against women remains a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings.

In June 1998, an assistant superintendent of police was arrested and charged with the manslaughter of a Bangladeshi national. The police official allegedly used police premises to interrogate the Bangladeshi national over a personal business matter. During the interrogation, the police official allegedly beat and kicked the victim, who subsequently died of internal injuries. The police superintendent was convicted of a reduced charge of causing hurt, since pathologists could not conclude that the beating directly caused the victim's death. He was sentenced to 12 months in jail and ordered to pay \$12,050 (B\$20,000) to the deceased's family in compensation. The superintendent was dismissed from the police service.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There were no reports of police mistreatment of prisoners. Any report of police mistreatment of prisoners would be investigated as a violation of the law. In 1988 caning became mandatory punishment for 42 drug-related and other criminal offenses and for vandalism. Since then, sentences of caning have been handed down and carried out in the presence of a doctor who monitors implementation and has the authority to interrupt and postpone the punishment for medical reasons. Caning generally is included as part of the sentencing in 80 percent of criminal convictions. Many convicted persons reportedly prefer caning to lengthy incarceration.

Prison conditions meet minimum international standards. There is no overcrowding; however, there is a growing prison population, and a new facility to supplement the 60-year-old prison was completed in 1998. Prisoners receive regular medical checkups. Remand cells at police stations are Spartan.

Human rights monitors are not known to have requested prison visits; foreign diplomats have visited prisoners. Family members also can visit prisoners and bring food.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for a prompt judicial determination of the validity of an arrest. However, those provisions, like the Constitution itself, may be superseded, either partially or wholly, through invocation of the emergency powers. The Internal Security Act (ISA) permits the Government to detain suspects without trial for renewable 2-year periods. The Government occasionally has used the ISA to detain persons suspected of antigovernment activity; however, information on the detainees is published only after they are released. In 1997 two former rebel leaders were pardoned and released, after undergoing "religious indoctrination" and swearing loyalty to the Sultan (see Section 1.e.). Muhamad Yasin Abdul Rahman, age 76, who played a pivotal role in the abortive 1962 rebellion, was detained without trial for 12 years from 1962 to 1973, when he escaped from prison to live in exile in Malaysia. He returned to the country in 1997 and immediately was arrested and detained once more without trial. In 1999 he was released from detention after swearing an oath of loyalty to the Sultan and admitting his political "crimes."

In 1998 authorities arrested several citizens under the ISA for distributing defamatory letters containing allegations about the royal family and senior government

officials connected with the collapse of the Amedeo Group, a large holding company headed by the former Finance Minister and Sultan's brother, Prince Jefri. The Government warned citizens that it would take action against anyone involved in such activities. There were no known arrests for publishing or distributing antigovernment literature during the year.

Under normal circumstances, a magistrate must endorse a warrant for arrest. Warrants are issued without this endorsement on rare occasions, such as when police are unable to obtain the endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make arrests, without warrants, of persons caught in the physical act of committing a crime.

Under the colonial-era Banishment Act of 1918, any person deemed to be a threat to the safety, peace, or welfare of Brunei, may be forcibly exiled either permanently or temporarily by the Sultan. Since independence, there have been no cases of banishment of citizens.

e. Denial of Fair Public Trial.—The Constitution does not specifically provide for an independent judiciary. However, in 1996 in a landmark legal decision, the appellate-level High Court ruled that the court has powers independent of the prosecution and ordered a discharge in a car theft case under review, which amounted to an acquittal under the Criminal Procedure Code. So far the Government has not challenged the court's finding that magistrates have the legal power to discharge and acquit a defendant, even when the prosecution does not request the discharge.

The judicial system consists of five levels of courts, with final recourse in civil cases available through the Privy Council in London. In 1995 Brunei terminated appeal to the Privy Council in criminal cases. Procedural safeguards include the right to defense counsel, the right to an interpreter, the right to a speedy trial, and the right to confront accusers. There were no known instances of government interference with the judiciary and no trials of political opponents.

The civil law, based on English common law, provides citizens with a fair and efficient judicial process. Shari'a (Islamic law) supersedes civil law in some areas, including divorce, inheritance, and some sexual crimes. Shari'a law is not applied to non-Muslims.

At present there are no known political prisoners (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although the law permits government intrusion into the privacy of individual persons, families, or homes, this rarely happens. There were no reports of mail having been tampered with during the year. The Government at times prevents the importation of foreign newspapers and magazines (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—While there are no laws restricting freedom of speech and freedom of the press, the Government used its authority to protect public safety, morals, health, and domestic security to restrict these freedoms. Editions of foreign newspapers or magazines with articles that are found objectionable, embarrassing, or critical of the Sultan, royal family, or government are not allowed into the country. Magazine articles with a Christian theme reportedly are censored. However, the growing use of fax machines, the Internet, and access to satellite transmissions make it increasingly difficult to keep such material from entering. The country's largest circulation daily newspaper, the Borneo Bulletin, appears to practice self-censorship in its choice of topics to avoid angering the Government, but it has instituted a new feature of letters to the editor, by which citizens some by name and some anonymously criticize the Government's handling of certain social, economic, and environmental issues. In 1997 the newspaper expanded its letters column to reflect the increase in letters. In July 1999, a second daily English-language newspaper, the News Express, began publication. It also features a letters page where citizens and residents express their views and complaints, often about government services and, increasingly, about government policy. The newspapers' willingness to publish these expressions of opinion represents a modest extension of press freedom. The Government on occasion has been responsive to public opinion on some issues concerning social or environmental problems. The Internal Security Department reportedly no longer tries to obtain the names of people who complained to the newspapers about government services.

Although the only television station is government-owned, three Malaysian television channels are also received locally. Two satellite television networks are available, which offer a total of 28 different channels, including the Cable News Network, the British Broadcasting Corporation World News, and several entertainment and sports channels.

The Government's tolerance of political criticism has not been tested recently because there is no organized opposition. Moreover, citizens generally make almost no

criticism of the Government. In the past, the Government has not hesitated to arrest those who attempted to propagate unwelcome political views.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—Freedom to assemble for political purposes has not been tested seriously in recent years.

Following a 1967 ban on political parties, the Government allowed two parties to form in 1985 and 1986. It disbanded one of the parties in 1988. Political parties are allowed but they are not to engage in “activities that endanger people.” Membership is open to all citizens, except civil servants and security force personnel, who together make up 60 percent of all employed citizens.

The remaining party, the Brunei Solidarity National Party (PPKB), which was inactive for several years, held an assembly in February 1995, April 1998, and again in February 2000 (attended by about 30 persons), reportedly with the consent of the Government. Following the 1998 General Assembly, party leaders expressed support for the Government’s determination to investigate the Amedeo crisis, but the party appeared to be largely inactive. In October 1998, the Prime Minister’s Office rebuked PPKB President Haji Mohamed Hatta over an interview he gave to a regional newsmagazine. The Prime Minister’s Office described Hatta’s portrayal of Brunei as “irresponsible, untrue, inaccurate, misleading, and embarrassing.” The PPKB reportedly continues to be subject to internal disagreements.

The activities of international service organizations such as Rotary, Kiwanis, and the Lions continued to be constrained by the Government, which in 1995 reminded local leaders of these organizations that Muslims may not be members.

c. Freedom of Religion.—The Constitution states that, “The religion of Brunei Darussalam shall be the Muslim religion according to the Shafeite sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam.” However, the Government only partially respects these rights, as it routinely restricts the practice of non-Islamic religions. The Government sporadically voiced alarm about “outsiders” preaching radical Islamic fundamentalist or unorthodox beliefs. Citizens deemed to have been influenced by such preaching (usually students returning from overseas study) have been “shown the error of their ways” in study seminars organized by mainstream Islamic religious leaders. The Government seems more concerned about these so-called Islamic “opportunists” than unwelcome political views. Moreover, the Government does not hesitate to investigate and to use its internal security apparatus against persons whom it considers purveyors of radical Islam.

In 1991 the Government began to reinforce the legitimacy of the hereditary monarchy and the observance of traditional and Muslim values by reasserting a national ideology known as the Malayhu Islam Beraja (MIB) or “Malay Muslim monarchy,” the genesis of which reportedly dates to the 15th century. The Government in 1993 participated in issuing the Kuala Lumpur Declaration, which affirms the right of all persons to a wide range of human rights, including freedom of religion. Despite this and constitutional provisions providing for the full and unconstrained exercise of religious freedom, the Government routinely restricts the practice of non-Muslim religions by: Prohibiting proselytizing; occasionally denying entry to foreign clergy or particular priests, bishops, or ministers; banning the importation of religious teaching materials or scriptures such as the Bible; and ignoring requests to expand, repair, or build new churches, temples, and shrines. However, in February 1998, the Government allowed the Catholic Church to establish the first apostolic prefecture in the country and to install a Bruneian of Chinese origin as the country’s first apostolic prefect. This development constituted a modest step in the direction of improved religious freedom, but as yet there is no broad trend toward increased religious freedom.

In September 1998, officials of the Islamic Propagation Center confiscated gold and other precious Buddhist and Christian icons from a number of goldsmiths in the capital, stating that the open display of these items “offended local sensitivities.” The confiscations were made under the Undesirable Publications Act, which gives the Government wide-ranging powers. Several days later, the goldsmiths were informed that they could recover their property from the Ministry of Home Affairs. The Government also routinely censors magazine articles on other faiths, blacking out or removing photographs of crucifixes and other Christian religious symbols.

Since July 1998, the authorities sporadically have conducted raids on clubs frequented by foreign residents and foreign workers in order to confiscate alcohol and foodstuffs that were not prepared in accordance with “halal” requirements (the Islamic requirements for the slaughter of animals and the prohibition on inclusion of pork products in any food). These actions continue and are regarded by the majority of citizens as upholding Islam. In July the Government briefly detained for ques-

tioning local members of a small Islamic group after the group's members in Malaysia reportedly were involved in an arms theft.

The Ministry of Education also restricted the teaching of the history of religion or other courses on religion in non-Islamic schools while requiring courses on Islam or the MIB in all schools. Only the Bandar Seri Begawan international schools are exempt from these restrictions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts the movement of former political prisoners during the first year of their release. Otherwise the Government generally does not restrict the freedom of movement of its citizens, visitors, and permanent residents. Government employees, both citizens and foreigners working on a contractual basis, must apply for approval to go abroad; it is routinely granted.

No legal provision exists for granting temporary refuge, first asylum, or refugee status to those seeking such refuge or asylum. Under the law, persons arriving without valid entry documents and means of support are considered illegal immigrants and are refused entry. There were no reported cases of individuals seeking temporary refuge during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens are unable to change their government; Brunei is a monarchy and there are no established democratic processes. Under the continuing state of emergency, there is no parliament, and political authority and control rests with the ruling monarch. Individuals may seek to express their views or to influence government decisions and policies by writing letters to a local newspaper or by petitioning the Sultan or handing him letters when he appears in public.

A form of popular representation lies in a traditional system of village chiefs who, since 1992, are elected by secret ballot by all adults. These leaders communicate constituents' wishes through a variety of channels, including periodic meetings chaired by the Home Affairs Minister, with several officials appointed by the Sultan. In 1996 the Sultan officiated at the first General Assembly of the "mukim" (a group of villages) and village consultative council. Over 1,000 village chiefs from 150 villages and 35 mukim participated as delegates. The delegates were elected from among individual villagers, and the Government described the Assembly as "a grass roots level political system." However, the Sultan appoints all the council's advisers. The Government insists that ordinary citizens actually use these councils to present their grievances and to obtain redress.

The Sultan has an appointed Cabinet, the members of which serve as his principal advisers.

The lack of representative democratic government seriously limits the role of both men and women in government and politics; however, women are making progress. In 1997 the Sultan's sister, Princess Masna, became the second ranking official in the Ministry of Foreign Affairs, and for the first time two women were appointed as permanent secretaries, one in the Ministry of Education and the other in the Ministry Culture, Youth, and Sports. The first female High Court judge was appointed in 1999, and in 2000 a woman was named acting director of the Anticorruption Bureau.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No government or private organizations deal specifically with the protection of human rights. However, in 1997, for the first time, the Government entered into a human rights dialog with a foreign embassy and that dialog continues. There were no known allegations of abuses or requests to visit by international human rights groups.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Except for religion (see Section 2.c.), the Constitution does not contain specific provisions prohibiting discrimination based on the factors listed above.

Women.—The extent to which spousal abuse may occur and go unreported is not known. In response to a perception that domestic violence was rising, in 1994 a special unit was established within the police department to investigate domestic violence complaints. Female officers staff the unit. Since 1995 a hot line has been in service for abused spouses and the public to report domestic violence. During 1999 approximately 10 women and their children stayed at a women's shelter run by the Social Affairs Services unit of the Ministry of Culture. The Social Affairs Services unit provides counseling for women and their spouses. In August 1999, a photograph of a man accused of stabbing his wife and assaulting one of his children was

published in a daily newspaper, a new development in the country, where privacy generally is guarded closely. While Islamic courts usually discourage divorce in domestic violence cases, there appears to be a movement away from encouraging wives to reconcile with flagrantly abusive spouses. Islamic religious authorities recognize wife beating as grounds for divorce.

In 1999 the police recorded 91 cases of domestic abuse compared with 72 in 1998. The police also recorded 10 cases of rape and 10 molestations. The criminal penalty for a minor domestic assault is 1 to 2 weeks in jail and a fine. An assault resulting in serious injury would be punished by caning and a longer jail sentence. In September two members of the Royal Brunei Armed Forces were sentenced to 4 years' imprisonment and three strokes of the cane for the attempted molestation and sodomy of a 20-year-old deaf girl. In October 1999, a man convicted of assaulting his former wife with a knife and a piece of wood on three separate occasions, received three concurrent sentences of 2 years and 6 months in prison and three strokes of the cane. He also received a 6-month prison sentence for assaulting his 7-year-old daughter. Also in 1999, a man impersonating a religious inspector who raped and extorted money from a woman he found in a compromising situation with her boyfriend was sentenced to 12 years in prison and 6 strokes of the cane.

One area of apparent abuse involves female domestic servants. While the level of violence in society is low, beating of servants—or refusing them the right to leave the house on days off, sometimes on grounds that they “might encounter the wrong company”—is less socially unacceptable behavior. Since most female domestics are foreign workers who are highly dependent on their employers, those subject to abuse may be unwilling or unable to bring complaints, either to the authorities or to their governments' embassies. However, when such complaints are brought, the Government generally is quick to investigate allegations of abuse and impose fines and punishment as warranted.

In accordance with Koranic precepts, women are denied equal status with men in a number of important areas such as divorce, inheritance, and custody of children. Under the Brunei Nationality Act, citizenship is transmitted through males only. Female citizens who are married to foreigners or bear children by foreign fathers cannot transmit citizenship to their children, even when such children are born in the country. This has resulted in the creation of a sizable population of stateless children, estimated at more than 5,000 residents, who are entitled to live in the country and to be documented for travel by the Government, but who cannot enjoy the full privileges of citizenship, including the right to own land.

Although men are eligible for permanent positions in government service whether or not they hold university degrees, women who do not have university degrees are eligible to hold government positions only on a month-to-month basis. While recent changes eliminated some previous inequities, women in month-to-month positions continue to receive slightly less annual leave and fewer allowances than their male and female counterparts in permanent positions.

There are no separate pay scales for men and women, and in recent years there has been a major influx of women into the work force. Women serve in a wide variety of capacities in the armed forces, although they are not permitted to serve in combat. The number of female university graduates is increasing, and nearly two-thirds of Brunei University's entering class is female.

Religious authorities strongly encourage Muslim women to wear the tudong, a traditional head covering, and many women do so. However, some Muslim women do not, and there is no official pressure on non-Muslim women to do so. All female students in government-operated schools are required to wear the tudong; students in nongovernment schools are encouraged to wear it.

In July 1999, a new Married Women's Law came into effect, improving significantly the rights of non-Muslim married women with respect to maintenance, property, and domestic violence. In November 1999, changes to the Islamic Family Law (in the section on Women's Position in Marriage and Divorce) came into effect and are expected to improve the marital rights of Muslim women.

Children.—No statistics are published regarding the welfare of children. The strong commitment to family values within society, the high standard of living, and government funding for children's welfare provides most children a healthy and nurturing environment. Education is free, compulsory, and universal for 9 years. With a few exceptions involving small villages in extremely remote areas, nutritional standards are high, and poverty is almost unknown. There were 5 reported cases of child abuse in 1999. In 1996 the High Court convicted a father of child abuse. The Chief Justice sentenced him to 20 years in prison and ordered him caned with 20 strokes of the rattan for causing the death of his 3-year-old daughter and grievous hurt to another 2 of his children.

People with Disabilities.—No legislation mandating accessibility or other assistance for disabled persons has been passed. The Government is attempting to provide educational services for children with disabilities, although these efforts are not yet adequate to address the situation. Teachers are still being trained to deal with disabled children, and some children have no educational opportunities. A special facility with trained educators is needed to accommodate the disabled children who cannot be assimilated into normal classrooms, and the Ministry of Education is studying the problem.

Indigenous People.—The 6 percent of the population that is composed of indigenous people long has been integrated into society, and enjoys the same rights as other citizens.

National/Racial/Ethnic Minorities.—Some members of non-Malay minorities, such as ethnic Chinese, including those born and raised in the country, are not automatically accorded citizenship and its attendant rights, and must travel abroad as stateless persons. Brunei's colonial-era naturalization laws are widely viewed as out of date and in need of reform.

Section 6. Worker Rights

a. The Right of Association.—Trade unions are legal but must be registered with the Government. The three registered trade unions—one passive and two generally inactive—are all in the oil sector and have a total membership amounting to less than 5 percent of that industry's work force. All workers, including civil servants other than those serving in the military and police, may form or join trade unions. Unions are independent of the Government.

The 1962 Trade Unions Act permits the formation of trade union federations but forbids affiliation with international labor organizations. An individual contract is required between an employer and each employee, but legal trade union activities cannot be deemed to violate employee contracts. Local legal experts interpret this provision as conferring the right to strike, but there have been no strikes. Brunei is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—The Government has not prevented the legal registration of trade unions, nor has it dissolved any. The Government did not interfere with lawful union activity. It is illegal to refuse employment or discriminate against an employee on the basis of membership or nonmembership in a trade union. While unions are legal and easy to register, conditions are not conducive to the development of trade unions. There is little interest on the part of workers in forming trade unions, and existing unions are not very active. The law is silent on collective bargaining, and it occurs in only a few industries. There are few industries of the kind in which unions have traditionally developed. Also cultural tradition favors consensus over confrontation. Wage and benefit packages are based on market conditions and tend to be generous.

There is a free trade zone in Muara Port, known as the Muara Export Zone (MEZ), established in May 1994.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor including forced and bonded labor by children, and there are no known cases of forced labor.

In 1997 a foreign beauty contest winner brought suit in a foreign court against members of the Brunei royal family alleging that she and six other women were brought to Brunei in 1996 and subsequently held against their will for purposes of sexual exploitation. A statement by the royal family called the case "frivolous and groundless." The Sultan's sovereign immunity was recognized, and the court accepted Prince Jefri's claim of immunity. The case was closed formally in December 1999.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1954 Labor Enactment Laws prohibits the employment of children below the age of 16. Education is free, compulsory, and universal through grade nine. Parental consent and approval by the Labor Commission is required for those below the age of 18. Female minors under age 18 may not work at night or on offshore oil platforms. The Department of Labor (DOL), which is a part of the Ministry of Home Affairs, effectively enforces laws on the employment of children. There were no reports of violations of the child labor laws. Forced and bonded labor by children is prohibited and it is not practiced (see Section 6.c.).

e. Acceptable Conditions of Work.—Skilled labor is in short supply, and market forces enable most citizens to command good salaries. There is no minimum wage. The standard workweek is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for two 24-hour rest periods each week. Overtime is paid for work in excess of 48 hours a week, and double time is paid for work performed on legal holidays. Occupational health and safety standards are established by government regulations. The DOL inspects working conditions on a routine basis and

in response to complaints. The DOL generally enforces labor regulations effectively. However, in the unskilled labor sector enforcement is lax, especially for foreign laborers (see Section 5). The DOL is empowered to close any workplace where health, safety, or working conditions are unsatisfactory, and it has done so in the past. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but in practice this is unlikely to happen.

f. Trafficking in Persons.—The Law for the Protection of Women and Girls prohibits trafficking whether or not for the purpose of prostitution. There are occasional reports of women entering the country for purposes of prostitution (which is illegal), but they usually are deported swiftly.

BURMA

Burma continued to be ruled by a highly authoritarian military regime. Repressive military governments dominated by members of the majority Burman ethnic group have ruled the ethnically Burman central regions and some ethnic-minority areas continuously since 1962, when a coup led by General Ne Win overthrew an elected civilian government. Since September 1988, when the armed forces brutally suppressed massive pro-democracy demonstrations, a junta composed of senior military officers has ruled by decree, without a constitution or legislature. Originally called the State Law and Order Restoration Council (SLORC), the junta reorganized itself and changed its name to the State Peace and Development Council (SPDC) in 1997. The Government is headed by armed forces commander Senior General Than Shwe, although Ne Win, who retired from public office during the 1988 pro-democracy demonstrations, may continue to wield informal influence. In 1990 the junta permitted a relatively free election for a parliament to which it had promised to transfer power. Voters overwhelmingly supported anti-government parties with the National League for Democracy (NLD), winning more than 60 percent of the popular vote and 80 percent of the parliamentary seats. Throughout the 1990's, the junta systematically violated human rights in the country to suppress the prodemocracy movement, including the NLD, and to thwart repeated efforts by the representatives elected in 1990 to convene. Instead, the junta convened a government-controlled "National Convention" intended to approve a constitution that would ensure a dominant role for the armed forces. Since 1995 the NLD has declined to participate in this National Convention, perceiving both its composition and its agenda to be tightly controlled by the junta. More than a dozen armed ethnic groups continued to rule or to exercise some governmental functions in peripheral ethnic minority areas under various cease-fire agreements negotiated with the junta between 1989 and 1995. The judiciary is not independent of the junta.

Since 1988 the junta has more than doubled the size of the armed forces, from about 175,000 to more than 400,000 men, and has increased the Government's military presence throughout the country, especially in ethnic minority areas. The Government reinforces its firm military rule with a pervasive security apparatus led by the military intelligence organization, the Directorate of Defense Services Intelligence (DDSI). Control is buttressed by arbitrary restrictions on citizens' contacts with foreigners, surveillance of government employees and private citizens, harassment of political activists, intimidation, arrest, detention, and physical abuse. The Government justifies its security measures as necessary to maintain order and national unity. Members of the security forces committed numerous, serious human rights abuses.

Burma is a poor country with a population said by its Government to number about 50 million. Average annual per capita income is estimated to be about \$300. More than 3 decades of military rule and mismanagement have resulted in widespread poverty. Primarily an agricultural economy, the country also has substantial mineral, fishing, and timber resources. From 1988 to 1995, the Government partly liberalized the economy, reversing the economic contraction of the 1980's. However, economic growth has slowed since the mid-1990's, as the junta has retreated from economic liberalization. Extensive state influence over the economy, corruption, and poor infrastructure remain problems.

The Government's extremely poor human rights record and longstanding severe repression of its citizens continued during the year. Citizens continued to live subject at any time and without appeal to the arbitrary and sometimes brutal dictates of the military regime. Citizens did not have the right to change their government. There continued to be credible reports, particularly in ethnic minority areas, that security forces committed serious human rights abuses, including extrajudicial killings and rape. Disappearances continued, and members of the security forces tor-

tured, beat, and otherwise abused prisoners and detainees. Prison conditions remained harsh and life threatening, but have improved slightly in some prisons after the International Committee of the Red Cross (ICRC) was allowed access to prisons in May 1999. Arbitrary arrest and detention for expression of dissenting political views continued to be a common practice. The Government held Aung San Suu Kyi incommunicado twice in September, following attempts to travel beyond the bounds of Rangoon City and to Mandalay. At year's end, the Government continued to hold Aung San Suu Kyi in detention; it also held 48 members-elect of parliament and more than 1,000 NLD supporters under detention, all as part of a government effort to prevent the parliament elected in 1990 from convening. Since 1962 thousands of persons have been arrested, detained, or imprisoned for political reasons; more than 1,800 political prisoners remained imprisoned at year's end. The judiciary is not independent, and there is no effective rule of law. During the year, the Government intensified its campaign to eliminate independent lawyers by arbitrarily arresting and sentencing them on fabricated charges. The Government continued to infringe on citizens' privacy rights, and security forces continued to monitor citizens' movements and communications systematically, to search homes without warrants, and to relocate persons forcibly without just compensation or due process. During the year, those persons suspected of or charged with prodemocratic political activity were subjected to regular surveillance and harassment. Security forces continued to use excessive force to violate international humanitarian law in internal conflicts against ethnic insurgencies. The regime forcibly relocated large ethnic minority populations in order to deprive armed ethnic groups of civilian bases of support.

The SPDC continued to restrict severely freedom of speech, press, assembly, and association. It has pressured many thousands of members to resign from the NLD and closed party offices nationwide. Since 1990 the junta frequently prevented the NLD and other prodemocracy parties from conducting normal political activities. The junta recognizes the NLD as a legal entity; however, it refuses to accept the legal political status of key NLD party leaders, particularly the party's general secretary and 1991 Nobel laureate, Aung San Suu Kyi, and restricts her activities severely through security measures and threats. The Government imposed some restrictions on certain religious minorities. The junta continued to restrict freedom of movement and, in particular, foreign travel by female citizens; the junta also continued to restrict Aung San Suu Kyi's freedom to leave her residence or to receive visitors. In September Aung San Suu Kyi, actions that placed under house arrest when she attempted to visit an NLD party office on the outskirts of Rangoon, and again when she attempted to travel by train to Mandalay.

During the year, the SPDC intensified its systematic use of coercion and intimidation to deny citizens the right to change their government. In September 1998, the NLD leadership organized a 10-member Committee Representing the People's Par-

in severity depending on the country's region. Trafficking in persons, particularly in women and girls to Thailand and China, mostly for the purposes of prostitution, remained widespread.

Ethnic insurgent forces committed numerous abuses, including killings, rapes, forced labor, and the forced use of civilians as porters.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killings.—There continued to be many credible reports of extrajudicial killings by soldiers of noncombatant civilians, particularly in areas of ethnic insurgencies (see Section 1.g.).

There were credible reports that army soldiers shot and killed at least 73 unarmed ethnic Shan villagers in several repeated incidents in Kun-Hing township, Shan State (see Section 1.g.). There were reports that soldiers raped and killed women and killed persons who sought to prevent such rapes. For example, according to local reports, on January 11, a patrol of approximately 85 SPDC troops from the 102nd Infantry Battalion led by Captain Saw Hpyu beat to death 3 men and gang raped, then shot and killed, 2 women along the banks of the Nam Paang river, a tributary of the Salween river, in Kun-Hing township. On January 17, SPDC troops from Kun-Hing town, from the 246th Infantry Battalion led by Commander Than Oo, shot and killed four displaced farmers who were returning from their farm. In both the January 11 and 17 incidents, the victims were farmers whom the SLORC had relocated forcibly to the area, and reportedly were being interrogated about the whereabouts of nearby Shan soldiers. In addition there were numerous other reports of SPDC soldiers killing forcibly displaced persons who were unable to help locate Shan soldiers. There were reports in February that troops raped and killed three women in Shan State, and in June that soldiers in Shan State killed a man who tried to intervene when the soldiers raped his sister (see Section 1.c.). On April 2, troops from the army's 246th Light Infantry Division reportedly shot and killed four farmers, and on April 7 troops from the 72nd Infantry Battalion shot and killed three farmers; both incidents occurred in Kun-Hing township, Shan State.

Brutal treatment by soldiers also caused deaths among those impressed as military porters. According to reports, porters who no longer can work often either are abandoned without medical care or assistance, or executed. Credible reports indicate that 14 porters recruited to work for the military forces in Karen State died between April and June, as a result of mistreatment, exhaustion, and malnutrition (see Sections 1.c. and 6.c.). There was one unconfirmed report of extrajudicial killing by police and fire brigade officials who reportedly marched a group of drug addicts out of Hpakant in Sagaing Division in mid-1999, causing some to die on the road. However, no eyewitness evidence regarding this alleged incident ever has appeared.

As in previous years, some inmates died in prisons and labor camps, or shortly after being released from them, due to torture or to denial of adequate medical care and harsh conditions (see Section 1.c.).

The military Government also killed persons for political reasons. For example, according to the Chin Human Rights Organization, a local nongovernmental organization (NGO), on June 26, the Commander of the 266th Light Infantry Battalion killed Zo Thang, a monitor for the NGO, as well as two associates, in Bung Khua village, Chin State (see Section 4). This alleged incident could not be confirmed.

During the year, the Karen National Union (KNU) killed a group of three soldiers when they returned to their homes for leave in Karen State, where such soldiers apparently are vulnerable. The local army contingent retaliated against another nearby village by killing a handful of persons, including women and children.

Some insurgent groups also committed killings. In 1999, near Three Pagoda's Pass in the eastern part of the country, soldiers of the KNU reportedly captured and killed 10 immigration officials. During the year, in Kayah State, elements of the Karenni National Progressive Party (KNPP), an insurgent group, reportedly killed several persons, including a monk and a mother of five (see Sections 1.g. and 5).

b. Disappearance.—Throughout the country, as in previous years, private citizens and political activists continued to "disappear" for periods ranging from several hours to several weeks or more; many persons never have reappeared. DDSI officials usually apprehend individuals for questioning without the knowledge of their family members. In many, although not all cases, the DDSI releases them soon afterward. Such action usually is intended to prevent free political expression or assembly (see Section 2.a.). The army also continued to seize numerous persons for portage or related duties, often without the knowledge of their family members (see Sections 1.c. and 6.c.). The whereabouts of those persons seized by army units

to serve as porters, as well as of prisoners transferred for labor or portage duties, often remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Members of the security forces tortured, beat, and otherwise abused prisoners and detainees. The Government routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. The most common forms of mistreatment were sleep and food deprivation coupled with around-the-clock questioning under bright lights; some detainees also were kicked and beaten. During the year, there were credible firsthand reports that, during interrogations, officials place metal rods between prisoners' fingers and squeeze them in an attempt to injure the prisoners' hands; hot wax also is poured on the prisoners' backs. There continued to be credible reports that prisoners were forced to squat or assume stressful, uncomfortable, or painful positions for lengthy periods. In August 1999, a military intelligence team placed NLD youth member Thein Lwin in detention. Authorities subsequently tortured Thein Lwin for 9 months without ever charging him with a crime.

In late August, during the first 2 days of a 9-day political standoff, security forces refused to permit local residents to distribute food, water, or medicine to Aung San Suu Kyi and a number of her NLD colleagues; they also interfered with several subsequent provision deliveries and did not allow Aung San Suu Kyi access to her doctor. Aung San Suu Kyi later was placed under house arrest (see Sections 1.d., 2.d., and 3). Police sometimes beat NLD members during confrontations.

In September five prison guards and a trustee inmate beat James Mawdsley with sticks; Mawdsley, a British political prisoner who was confined in Keng Tung until October, suffered a broken nose and two black eyes (see Section 1.e.).

According to the Chin Human Rights Organization, on June 26, the 266th Light Infantry Battalion reportedly forced a 29-year-old Chin farmer, a woman named Pi Sai Sung, to walk 28 miles with rags stuffed in her mouth and wearing only a bra and underwear. The army reportedly abused her in this manner because Pi Sai allegedly had had a relationship with a human rights field monitor whom the battalion killed that same day (see Section 4). However, the events of this alleged incident could not be confirmed.

There continued to be many credible reports that security forces subjected ordinary citizens to harassment and physical abuse. The military forces routinely confiscate property, cash, and food, and use coercive and abusive recruitment methods to procure porters. Those persons forced into portage or other labor faced extremely difficult conditions, and beatings and mistreatment that sometimes resulted in death (see Sections 1.a., 1.g., and 6.c.). For example, the military requires all Rohingya farmers from a village in Northern Rakhine State to provide 10 days of labor a month to the military. If they arrive late for their duty, the local major makes them roll down a bramble-covered hill as punishment. Numerous other Rohingya men say that all of the men from their village must work every 2 weeks as porters to carry food and ammunition to military camps near Bangladesh. The men describe the trek as quite dangerous, particularly when the soldiers beat them with bamboo canes (see Sections 5 and 6.c.).

For decades successive military regimes have applied a strategy of forced relocation against ethnic minority groups seeking autonomy; these forcible relocations continue, particularly alongside the Thai border. Thousands of villagers continue to flee or be driven from their homes, where they come to struggle in makeshift forest shelters without adequate food, security, or basic medical care—frequently in heavily mined areas. In a December 1999 Karen Human Rights Group report, Karen villagers said that the army and the Democratic Karen Buddhist Army (DKBA), an armed ethnic group allied with the Government, frequently enter villages together, demanding money, food, and other favors. Those persons unable to deliver may be killed, beaten, subjected to forced labor, or raped (see Sections 1.a., 1.g., 2.d., and 6.c.). There are numerous reports that SPDC troops loot and confiscate property and possessions from forcibly relocated persons, or persons who are away from their homes; these materials often are used for military construction.

Throughout the year, the NLD reported numerous complaints of extensive government mistreatment and exploitation of Kun Gyan Kone farmers, particularly those unable to meet government quotas (due to low rice yields). According to the NLD, many farmers were forced to sell their crops, land, and cattle for less than the market rate; some persons were detained, and the Government seized the property of others (see Section 1.d.).

There were frequent reports that army soldiers and other army personnel raped women who were members of ethnic minorities, especially in Shan, Karenni, and Karen States. For example, according to www.Shanland.org, a web site organized by Shan human rights and news organizations, on February 23, three SPDC sol-

diers raped two women who were catching fish in a stream near Ta Khoi village. On March 13, SPDC troops allegedly gang raped and beat to death three women who were collecting firewood in the forest near the road from Murng-Ton to Murng-Sart township, Shan State. On March 29, a Light Infantry Battalion captain reportedly raped a displaced Shan woman at Naa Kawng Mu village, Murng Harn tract, Murng-Ton township, and threatened to imprison the village leaders who came to complain about it. On June 29, another Light Infantry Division captain allegedly raped a woman and shot and killed her brother who tried to intervene, at a rice farm in Lai-Kha township, Shan State. None of the incidents in these www.Shanland.org reports could be confirmed. There were many similar reports throughout the year.

Members of insurgent forces also reportedly raped civilians.

Prison conditions generally remained harsh and life threatening. The Government's Department of Prisons operates many facilities, including several labor camps. Prisoners are permitted to receive medicine and food from their families during 15-minute visits once every 2 weeks. Throughout the year, the Government transferred many prisoners—including NLD members—from Insein prison to prisons and labor camps far from Rangoon, where conditions are much harsher. There also were credible reports that at least a few prisoners long have been denied adequate medical care. Some of these prisoners died as a result. In July 1999, NLD member-elect of parliament Kyaw Min died of hepatitis contracted in prison. He had been detained from 1996 to 1998 without trial and was released to his family just prior to his death. Tun Zaw Zaw, a NLD youth leader who was released on December 31, 1999, also lost his sight while under detention and was detained again on September 14 and, again, on September 21. At year's end, he remained in detention in Insein Prison. In Thauntha township of Mandalay Division, the authorities arrested U Aung Kyaw, U Maung Nyo, U Nyo Hla, and U Htay Gyi for sending a letter of appeal regarding the Government's commandeering of private vehicles. U Aung Kyaw's request for medical attention was denied, and on April 30, he died of hypertension after 5 days in jail.

International monitoring of prisons began in May 1999, when the ICRC was allowed unrestricted access to all prisoners in all prisons, detention centers, and labor camps. Visits by the ICRC to labor camps began in March, and it visited six labor camps by year's end. In response to ICRC recommendations, the Government provided some prisoners with an opportunity for exercise, better food, reading material, and improved medical care. As of September, the ICRC had visited more than 35,000 prisoners in at least 30 prisons, including more than 1,800 political prisoners (see Section 1.e.). The ICRC also has begun tackling the problem of the roughly 36,000 persons in forced labor camps. The Government allowed the ICRC to perform its traditional services, such as providing medications, delivering letters to and from prisoners, and providing support for family visits to prisoners.

d. Arbitrary Arrest, Detention, or Exile.—There is no provision in the law for judicial determination of the legality of detention, and the SPDC routinely used arbitrary arrest and incommunicado detention. For example, Aung San Suu Kyi was held incommunicado twice in September, following her attempt to visit NLD party workers on the outskirts of Rangoon and her attempt to travel by train to Mandalay (see Sections 2.b., 2.d., and 3). Prior to being charged, detainees rarely have access to legal counsel or their families and political detainees have no opportunity to obtain release on bail. Even after being charged, detainees rarely have the benefit of counsel. Some political detainees are held incommunicado for long periods. Moreover, Section 10a of the Penal Code allows the authorities to extend sentences arbitrarily, and some political prisoners were not released after completing their sentences. In Mandalay 11 prisoners sentenced for political reasons—including Zaw Min, Ne Win, U Tin Aye Yu, U Tin Myint, U Tin Aye, U Khin Maung Thant, U Zarni Aung, U Thein Than Oo, U Kyaw Sein Maung, U Naing Myint, U Htay Nyunt—have completed their terms, but have not been released. Countrywide, at least 30 prisoners in 7 different prisons are held in similar circumstances.

Authorities continued to detain some private citizens and political activists continued to “disappear” temporarily at the hands of security forces (see Section 1.b.).

The Government repeatedly detained and deported foreign journalists (see Section 2.a.).

Throughout the year, the Government continued its campaign of detention and intimidation against the NLD. Between April and May the authorities arrested scores of NLD members-elect of parliament and sentenced four of them to periods of between 2 and 15 years in prison. Than Lwin, Kyaw Shwe, Nyein Maung, and Tin Aung Lay, the four elected members who were held, were detained for fabricating accusations against township organizations, instigating threats to peace and stability by spreading rumors to mislead the public, and illegally organizing villagers.

In addition U Aye Tha Aung, who represented four large ethnic groups in the CRPP, was arrested in April and sentenced, in secret, to 21 years in prison for "trying to destroy the unity of the nationalities." Following local party elections for the NLD's youth and women's organizations in April, all 38 of the newly elected party officials were arrested and sentenced to periods in prison ranging from 6 months to 40 years. In addition on May 27, the NLD headquarter's two elderly landladies, Daw Khin Nu and Daw Chaw, were arrested for disturbing the peace and spent several weeks in Insein prison. Also in May in Taung-Dwin-Gyi township, Magwe Division, police detained 25 NLD youth members and transferred them to Thayet prison without their families' knowledge. These youth members were released, but only after their parents agreed to prevent their children from communicating with the NLD offices. On September 27, police detained 83-year-old member-elect U Maung Maung Gyi, the senior leader at NLD headquarters, for 12 hours in order to ensure that he did not organize any celebration of the NLD's 12th anniversary.

At year's end, the Government continued to detain without charge 48 members-elect of parliament in 1990. Most were NLD members and most had been detained since September 1988, just before the NLD formed the CRPP. Other members-elect of parliament were released during the year. However, there were credible reports that many of these members-elect were released only after they agreed to resign from parliament, to withdraw their support from the CRPP, or otherwise to restrict their political activities.

Throughout the year, the NLD brought complaints about extensive government mistreatment and exploitation of Kun Gyan Kone farmers; numerous farmers were held in custody for failing to meet rice quotas (see Section 1.c.). For example, in Karen State, armed KNPP units threaten farmers with death for nonpayment of taxes. If the farmer pays, the army then imprisons him for 3 years for "unlawful association." According to the Karen Human Rights Group, in March army troops burned at least nine villages in Dweh Loh township, just southwest of the town of Papun, and then planted landmines in them.

Since 1988, when the SPDC refused to recognize the results of the elections and pressured successful candidates to resign, some candidates, as well as thousands of political activists, went into forced exile rather than face threats.

e. Denial of Fair Public Trial.—The judiciary is not independent of the military junta. The junta appoints justices to the Supreme Court which, in turn, appoints lower court judges with the approval of the junta. These courts then adjudicate cases under decrees promulgated by the junta that effectively have the force of law.

The court system, as inherited from the United Kingdom and subsequently restructured, comprises courts at the township, district, state, and national levels.

Throughout the year, the Government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British-era legal system formally were in place, the court system and its operation remained seriously flawed, particularly in the handling of political cases. Unprofessional behavior by some court officials, the misuse of overly broad laws—including the Emergency Provisions Act of 1950, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Destructionists—and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and the rule of law. Pervasive corruption further serves to undermine the impartiality of the justice system.

Some basic due process rights, including the right to a public trial and to be represented by a defense attorney, generally were respected in criminal cases, but not in political cases that the Government deemed especially sensitive. In criminal cases, defense attorneys generally are permitted to call and cross-examine witnesses; however, their primary purpose is to bargain with the judge to obtain the shortest possible sentence for their clients. Most court proceedings are open to the public. However, in political cases, trials are not open to the public. In political cases, defense attorneys appear to serve no purpose other than to perpetuate the pretense of a fair trial, since reliable reports indicate that senior military authorities dictate verdicts, regardless of the evidence or the law. In one case, Chein Poh, a 77-year-old highly respected and nonpolitical lawyer, was sentenced to 14 years in prison for allegedly distributing articles from foreign newspapers and magazines with antigovernment annotations (see Section 2.a.). Although the Government was not able to prove its case against him, he was given two consecutive 7-year sentences for the same activity. However, his actual offense was the fact that he is a neighbor of U Tin Oo, the vicechairman of the NLD. In October, following an appeal by U.N. Special Representative Razali, authorities released from prison U Chein Poh and five other elderly prisoners.

U Chein Poh's arrest and conviction may have been part of an extensive government campaign to eliminate the remaining independent lawyers in the country who might provide advice and counsel to the NLD. During the year, the Government arrested and sentenced under fabricated charges nearly every lawyer with any perceived connection with the NLD. Cases include that of U Soe Han, a prominent NLD lawyer who was charged with having failed to inform the Government that he planned to stay overnight at his mother's house (see Section 1.f.). Authorities released U Soe Han following his wife's death. However, they rearrested U Soe Han in September and sentenced him, along with several other prominent individuals, to 21 years in prison for sending a letter to Senior General Than Shwe and Secretary One Khin Nyunt that urged the Government to release political prisoners and start a dialog with the NLD. Altogether, the Government jailed more than 40 lawyers during the year. In 1999 two prodemocracy activists were sentenced to long prison terms for actions that elsewhere would have been deemed innocuous. After two arrests in 1997 and 1998, and imprisonment for 90 days of a 5-year prison sentence for illegal entry, a British citizen, James Mawdsley, was arrested for a third time in August 1999, and sentenced to a total of 17 years in Keng Tung prison. On October 19, he was released, shortly after the U.N. Working Group on Arbitrary Detention informed the Government that Mawdsley's detention violated international standards of human rights (see Section 1.c.). In September 1999, Rachel Goldwyn, a foreign citizen, was arrested after chaining herself to a lamppost in downtown Rangoon and singing a prodemocracy song. She was convicted of sedition and sentenced to 7 years' imprisonment, but was released on appeal and left the country in November 1999.

During the year, the Government allowed two visits by U.N. Special Envoy to Burma, Ismail Razali (see Section 4). In late December, shortly before an expected return Razali (scheduled for January 2001), the Government released several political prisoners from the list of aged prisoners presented by Razali during his first and second visit. Late in the year, the Government released 6 of the NLD's 9 central committee members and 80 NLD supporters from detention.

Opposition political parties have attempted to use the courts to enforce their political rights, thus far without success. In 1999 the Supreme Court dismissed suits brought by members of the NLD's central executive committee (CEC) against SPDC Secretary One, and Lt. Gen. Khin Nyunt, the chief of military intelligence. The suits alleged that the military intelligence apparatus violated the rights of private individuals in connection with the detention of NLD members elected to parliament in 1990. The NLD CEC members also filed suit against other senior government officials for libel, fraud, and intimidation in connection with government-organized petitions of "no confidence" in NLD members-elect of parliament (see Sections 1.d. and 3). The hearing on these cases was closed to the public and, in both cases, the Supreme Court's verdict went against the NLD. On April 27, the Supreme Court dismissed an appeal by the NLD against the SPDC for illegally detaining and libeling members-elect of parliament. The Supreme Court ruled that a case could not proceed against a government official—in this case head of military intelligence Lt. General Khin Nyunt—if the Head of State did not grant permission. In September lawyers for the NLD began a suit against General Than Shwe and the Chairman of the Election Commission for failing to fulfill commitments made in regard to the transition to democracy.

The ICRC estimated that there were 1,800 political prisoners in the country as of July, and during the year the ICRC completed visits to almost all of them. In addition some political prisoners remained in custody despite having completed their sentences (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The military Government continued to interfere extensively and arbitrarily in the lives of citizens. Through its pervasive intelligence network and administrative procedures, the Government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically. The law requires that any person who spends the night at a place other than his registered domicile inform the police in advance, and that any household that hosts a person not domiciled there maintain and submit to the police a guest list. Moreover, police routinely enter and search homes at night without warrants to enforce compliance with this requirement.

In May U Soe Han, a lawyer for the NLD, was detained under this law, as a result of having spent the night of May 27 (the tenth anniversary of the 1990 general election) at his mother's house (see Section 1.e.). Security personnel also commonly searched private premises and other property without warrants in other contexts.

Government employees generally are required to obtain advance permission before meeting with foreigners.

Government employees generally are prohibited from joining or supporting political parties; however, this proscription is applied selectively. In the case of the Government's own mass mobilization organization, the Union Solidarity and Development Association, the Government has used coercion and intimidation to induce many persons, including nearly all public sector employees, both to join the union and to attend meetings called to criticize the NLD and NLD members-elect of parliament (see Sections 1.d., 2.b., and 3).

Government officials, including senior officials, continued repeatedly to make statements in the state-monopolized domestic media warning parents that authorities could hold them responsible for any political offenses committed by their children. The Government's intelligence services also monitor the movements of foreigners and question citizens about conversations with foreigners. In addition, in July 1998, the Government officially banned marriages between female citizens and foreigners; however, this ban has not been enforced.

Telephone service also is controlled tightly. Security personnel regularly screen private correspondence and telephone calls. Government authorities continued generally to prevent citizens from subscribing directly to foreign publications or satellite television (see Section 2.a.). In addition the Government licenses and rations all electronic communication devices, which are monitored closely. A decree promulgated by the junta in 1996 has made possession of an unregistered telephone, facsimile machine, or computer modem punishable by imprisonment (see Section 2.a.). In April an Indonesian citizen, Irawan Sidaria, and two local technicians were arrested under this statute for having installed an Inmarsat satellite telephone unit at the Asia Plaza Hotel in Rangoon. The communication equipment, which provided 10 telephone lines for overseas calls, had not been licensed by the state-owned Myanmar Posts and Telecommunications. In June Myanmar Posts and Telecommunications also announced that users of nonregistered cordless telephones in the country would face up to 3 years imprisonment or a fine of about \$75 (30,000 Kyat), or both.

During late 1998 and early 1999, the Government refused to allow Aung San Suu Kyi's terminally ill husband, Michael Aris, to travel from Britain to visit his wife in Rangoon. The Government stated that if Aung San Suu Kyi wanted to see her British husband, she could leave the country to visit him in the United Kingdom. The Government also announced that it would allow the prodemocracy leader to re-enter the country only if it judged her visit to be nonpolitical. At about the same time, state-owned media and billboards and government-organized mass rallies called for Aung San Suu Kyi to be expelled.

Weak private property rights and poor land ownership records facilitate involuntary relocations of persons by the State. The law does not permit private ownership of land; it recognizes only different categories of land use rights, many of which are not freely transferable. Postcolonial land laws also have revived the precolonial tradition that private rights to land are contingent upon the land being put to productive use.

To make way for commercial or public construction and, in some cases, for reasons of internal security and political control, the SPDC has relocated forcibly citizens to "new towns." Prevalent during the early 1990's, this practice has become much more restrictive. Persons relocated to new towns generally suffer from greatly reduced infrastructure support, and residents targeted for displacement generally are given no option but to move, usually on short notice (see Section 2.d.).

In rural areas the military Government frequently forcibly relocated ethnic minority villages. This practice was particularly widespread in the Shan, Kayah, and Karen States and in areas of Mon State and Pegu Division. In these areas, thousands of villagers were displaced from their traditional villages and herded into secure settlements in strategic areas. These forced relocations often are accompanied by demands for forced labor to build infrastructure for both villagers and army units and often have generated large refugee flows to neighboring countries and/or to parts of the country not controlled by the Government (see Sections 1.c., 2.c., 2.d., 5, and 6.c.). In some areas, the junta has replaced the original ethnic settlements with settlements of Burmans. This was the case in Arakan State in 1999 and during the year, where the Government forcibly relocated several largely Muslim villages, and resettled the area with Buddhist Burmans, who were forced to move from Dagon Township in Rangoon Division. In other areas, army units forced or attempted to force ethnic Karen to relocate to areas controlled by the DKBA (see Section 5).

Military units also have routinely confiscated livestock, fuel, food supplies, alcoholic drinks, or money. This abuse has become widespread since 1997, when the junta, intent upon continuing its military buildup despite mounting financial problems, ordered its regional commanders to meet their logistical needs locally rather

than rely on the central authorities. As a result, regional commanders have increased their use of forced contributions of food, labor, and building materials throughout the country (see Sections 1.c., 5, and 6.c.).

Both army and insurgent units have used forced conscription.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since independence in 1948, the army has battled a series of diverse ethnic insurgencies. These ethnic insurgent groups have sought to gain greater autonomy or, in some cases, independence from the ethnic Burman-dominated State. Since 1989 15 such groups have concluded cease-fire agreements with the Government. Under these agreements, these groups have retained their own armed forces and perform some governmental functions within specified territories inhabited chiefly by members of their ethnic groups. However, other groups remain in active revolt. The KNU has continued to conduct insurgent operations in areas with significant Karen populations in the eastern and southern regions of the country, including not only Karen State, but also Mon State, Tenasserim Division, and Pegu Division. In Kayah State, the KNPP has resumed fighting against the Government since the breakdown of a cease-fire negotiated in 1995.

In central and southern Shan State, military forces continued to engage the Shan State Army (SSA). The military maintained a program of forced relocation of villagers in that region and there were credible reports of army killings, rapes, and other atrocities.

On January 30, in Kaeng-Kham village, Kun-Hing township, Shan State, SPDC troops reportedly shot and killed 19 unarmed villagers aged 15 to 57 years. The villagers previously had been resettled forcibly, but on January 18, Lieutenant Colonel Kyaw Aye, Commander of the army's 246th Infantry Battalion, reportedly told the villagers that the Government had decided that for a fee they would be permitted to resettle in their old village. The 66th army Infantry Battalion led by Captain Zaw Thein, which later encountered the villagers, confronted them later shot and killed the 19 persons who chose to pay a fee. The villagers reportedly were killed because they were found in a "free-fire" zone; the safe-conduct passes were not recognized. On February 12, 80 to 90 SPDC troops led by Captain Hla Khin, again from the 246th Infantry Battalion, reportedly killed 20 villagers in Kun Pu tract, Kun-Hing township and 5 other villagers, at a different place. The villagers also were among those who the SLORC had displaced forcibly in 1996 and 1997. It is believed that these massacres were intended to terrorize and intimidate the villagers so that they would either go to relocation sites or flee to Thailand.

According to an April report available at www.Shanland.org, on March 27, in Mung-Kerng town, Shan State, a group of SPDC troops from the 514th Light Infantry Battalion reportedly shot and killed 13 relocated farmers (8 men and 5 women) who were clearing a plot of land for growing rice. The same battalion reportedly raped and killed three women in Kai-See township, Shan State. Neither incident could be independently verified or confirmed.

In May the army's 246th Light Infantry Division and its 524th Light Infantry Division reportedly killed a total of 73 Shan villagers, including women and children, in 2 separate incidents in Kun-Hing township, Shan State (see Sections 1.a. and 2.d.). On August 2, the army's 520th Light Infantry Battalion shot and killed a family of six at their rice farm in Mung-Pan township, Shan State. Numerous similar army killings of civilians occurred throughout the year.

Other active insurgent groups include the Chin National Front, the Naga National Council, the Rohingya Solidarity Organization, and the Arakan National Organization.

Some antigovernment insurgent groups also committed serious abuses. Some KNU units killed civilians, in one case by blowing up a passenger bus with a landmine. During the year, KNPP elements reportedly killed a Buddhist monk, Sayador U Bandarkawthala, in Demawso township, Kayah State. They also were accused of gang raping and killing Ma Nyunt Tin, a mother of five children, in the vicinity of Soe Hlar village, Kayah State. SSA insurgents reportedly committed retaliatory killings, rapes, and other atrocities against civilians. There were credible reports that some insurgents used women and children as porters (see Sections 6.c. and 6.d.). According to an unconfirmed August report available at www.Shanland.org, on June 2, five displaced persons from Loi-Lem township reportedly were killed by a landmine blast, planted by members of the United Wa State Army in Mung-Ton township, Shan State. At least one Karen insurgent group calling itself God's Army, which has split from the KNU and operated from a base inside the country near the border with Thailand, was led by child soldiers (see Sections 6.c. and 6.d.).

On January 24, 10 armed God's Army members seized the provincial hospital in Ratchaburi, Thailand, taking several hundred persons hostage; the next day, Thai security forces killed all 10 terrorists while retaking the hospital. In September

1999, five young armed Karen (of the same group) seized the Burmese embassy in Thailand and held persons of several nationalities hostage.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law allows the Government to restrict freedom of speech and of the press and, in practice, the junta continued to restrict these freedoms severely and systematically. The Government continued to arrest, detain, convict, and imprison many persons for expressing political opinions critical of the junta, and for distributing or possessing publications in which such opinions were expressed (see Sections 1.c., 1.d., and 1.e.). Security services also monitored and harassed persons believed to hold such political opinions. Many more persons refrained from speaking out due to fear of arrest, interrogation, and other forms of intimidation.

Legal restrictions on freedom of speech, already severe since the early 1960's, have intensified since 1996, when the junta issued a decree prohibiting speeches or statements that "undermine national stability," as well as with the drafting of alternative constitutions. In all regions of the country, the military Government continued to use force to prohibit virtually all public speech critical of it by all persons, including persons elected to parliament in 1990, and by leaders of political parties. The Government has pursued this policy consistently since 1990, with one exception—from late 1995 to December 1996, the Government allowed weekly speeches by NLD leaders in front of Aung San Suu Kyi's residence in Rangoon.

Many prominent writers and journalists remain in prison. In 1999 novelist Maung Tha Ya fled the country and identified 20 prominent writers who then were in prison. These included novelist and journalist San San Nweh, who was imprisoned in 1994 for a 10-year-term for passing information about human rights violations to international reporters and U.N. observers. Government censorship boards forbade publication or distribution of works authored by those in prison, although the Government allowed former political prisoners, Ma Thida, and U Sein Myint (also known as U Moe Thu), to write several magazine articles following their release from prison.

On May 26, the junta announced that security forces had seized "inflammatory" leaflets, stickers, and calendars bearing the monk association's seal, and arrested Zaw Min Oo in the Bago Division. These published sheets allegedly were to be distributed within religious associations. In September the junta also sentenced Chein Poh, a highly respected, 77-year-old lawyer in Rangoon for allegedly distributing foreign publications with antiregime annotations written on the back. Although the regime presented no credible evidence to prove the charge, Chein Poh was sentenced to 14 years in prison (see Section 1.e.). Between April and June, the junta arrested an additional 11 persons for distributing antijunta leaflets and allegedly planning attacks on government buildings.

The Government did not permit Aung San Suu Kyi to communicate with the outside world during the initial period of her house arrest. However, after November she was permitted to meet with selected members of the NLD's Central Executive Committee, U.N. Special Representative Ismail Razali, and representatives of the European Union, among others (see Sections 1.d., 2.b., 2.d., and 3).

The Government owns and controls all daily newspapers and domestic radio and television broadcasting facilities. These official media remained propaganda organs of the junta and normally did not report opposing views except to criticize them. The one, partial exception was the *Myanmar Times*, an expensive English-language weekly newspaper targeted at the foreign community in Rangoon that was launched in February, and which occasionally reported on criticism of the Government's policies by the U.N. and other organizations.

All privately owned publications remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally are published monthly or less often. However, since 1996, the Government has given transferable waivers of prepublication censorship for weekly periodicals. As a result, weekly tabloids have proliferated; however, they remain subject in principle to censorship and generally do not report domestic political news. Most in fact are published by government departments. Government control encourages self-censorship.

Imported publications remained subject in principle to predistribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards remained a serious offense. Cases involving prodemocracy literature were punished regularly by imprisonment. The Government also restricted the legal importation of foreign news periodicals and discouraged subscriptions to foreign periodicals. However, a limited selection of foreign newspapers could be purchased at hotels and bookstores in Rangoon (see Section 1.f.). Prior to August these

foreign newspapers and magazines also were censored regularly at the airport on arrival; subsequently, the Government's policy ceased to be enforced.

Since 1997 the Government has issued few visas to foreign journalists and has held fewer than a handful of press conferences on political subjects. Several journalists who entered the country as tourists were detained and deported by the Government.

Due to widespread poverty, limited literacy, and poor infrastructure, radio remained the most important medium of mass communication. News periodicals rarely circulated outside urban areas, and most villages lacked access to electrical power, except from generators or batteries. The junta continued to monopolize and to control the content of all domestic radio broadcasting tightly. Foreign radio broadcasts, such as those of the British Broadcasting Corporation, Voice of America, Radio Free Asia, and the Norway-based Democratic Voice of Burma, remained the principal sources of uncensored information; however, individuals were arrested for listening to these services. In December 1999, U Than Chaun, the owner of a coffee shop in Shwe-Goo Township of Kachin State was arrested and sentenced to 2 years' imprisonment with hard labor for having the radio in his coffee shop tuned to Voice of America.

The Government also continued to monopolize and to control tightly all domestic television broadcasting, offering only a government channel and an armed forces channel. In addition the Government continued to restrict the reception of foreign satellite television broadcasts through laws that made the operation of an uncensored satellite television receiver a crime punishable by up to 3 years in prison (see Section 1.f.). The Television and Video Law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board. In 1996 the junta issued an amendment to that law that stiffened the penalties for distributing uncensored videos.

The junta continued to restrict access to electronic media severely and systematically. Under a decree promulgated by the junta in 1996, all computers, software, and associated telecommunications devices are subject to government registration, and possession of unregistered equipment is punishable by imprisonment (see Section 1.f.).

The Ministry of Defense continued to operate the country's only known Internet server and has begun to offer Internet services selectively to a small number of customers. However, in December 1999, military intelligence arrested Col. Khin Maung Lwin, who managed the Defense Ministry's Internet operations, and charged him with violating the Official Secrets Act. One email service, which is government-owned, is available. In December 1999, military intelligence officials closed down several private email services and computer training schools. The country's first cybercafe opened in Rangoon in 1999 but did not offer patrons direct access to the Internet.

The Government continued to restrict academic freedom severely. University teachers and professors remain subject to the same restrictions on freedom of speech, political activities, and publications as other government employees. The Ministry of Higher Education routinely warns teachers against criticism of the Government. It also instructs them not to discuss politics while at work; prohibits them from joining or supporting political parties or engaging in political activity; and requires them to obtain advance ministerial approval for meetings with foreigners. Like all government employees, professors and teachers have been coerced into joining and participating in the activities of the Union Solidarity and Development Association (USDA), the Government's mass mobilization organization. Teachers at all levels also continued to be held responsible for the political activities of their students.

In June and July, the Government reopened the remainder of the institutions of higher education that were closed in 1996, following widespread student demonstrations. This completed a process that began in August 1997, when primary and secondary schools reopened. With this latest action, all graduate and undergraduate schools have reopened. However, the Government has taken a number of special measures to limit the possibility of student unrest. Campuses have been moved to relatively remote areas, teachers and students have been warned that disturbances would be dealt with severely, and on-campus dormitories have been closed. This has disrupted university life severely. There is evidence that many students have decided to continue with self-study, because the universities have deteriorated to such an extent during the time that they were closed and have become so inaccessible.

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly severely. It officially prohibits unauthorized outdoor assemblies of more than five persons; however, that ordinance is not enforced consistently. The 10 existing political parties also are required legally to request permission from the

Government to hold meetings of their members; nevertheless, meetings occurred without government permission.

The military junta continued its systematic decade-long use of coercion and intimidation to prevent the parliament elected in 1990 from convening (see Sections 1.c., 1.d., 1.e., and 3).

The Government severely restricts freedom of association, particularly in regard to members of the main opposition political party, the NLD. While the Government has allowed the NLD to celebrate certain key party events with public gatherings at Aung San Suu Kyi's residence or the national NLD party headquarters in Rangoon, it has restricted the size of the gatherings and the individuals who were allowed to attend. For example on September 26, the NLD's 12th anniversary, junta forces blocked all traffic from roads surrounding NLD headquarters, with a heavy military intelligence and riot police presence for two blocks on either side of the building. It also has prevented NLD General Secretary Aung San Suu Kyi from traveling to party meetings outside of Rangoon, stopping her four times in 1998 and once during the year.

As in previous years, there were incidents during which security forces publicly beat NLD members as they attempted peaceably to assemble or attend meetings. On April 30, the security forces also detained 37 NLD members from Taun-Dwin-Gyi township, Magwe Division, for holding a party meeting.

Throughout the year, government authorities in various parts of the country used force to prevent prodemocracy demonstrations or punish participants in them. Authorities detained or arrested and in many cases convicted and imprisoned persons suspected of planning such demonstrations (see Sections 1.d. and 1.e.). On September 21, NLD members gathered at Rangoon train station to see Aung San Suu Kyi off on her proposed trip to Mandalay; however, police arrested them and at year's end, they still were in custody. Approximately 100 NLD members were arrested at the time (see Sections 2.d. and 3).

In 1999 the Government sometimes interfered with religious groups' assemblies or other outdoor gatherings; however, there were no credible reports of such activity during the year (see Section 2.c.).

Since 1998, when the NLD's national leadership first organized the CRPP, the Government's campaign against the NLD has intensified. This campaign initially involved mass rallies and government-organized "recall" movements against members-elect of parliament. This was followed by direct pressure on individual NLD members. Throughout the year, government media published hundreds of reports from localities across the country that stated that NLD members had "voluntarily resigned" from the party in groups ranging in size from fewer than 10 to more than 1,000 persons. By year's end, the reported number of NLD members who voluntarily resigned numbered in the tens of thousands.

These resignations from the NLD generally were coerced, according to the persons concerned. In some townships, authorities pressured NLD officers to resign, and then declared the local party organizations defunct due to a lack of recognized officers. In other localities, NLD officials who refused to resign from the party were arrested or imprisoned on fabricated charges, and/or recall motions were mounted against them. For example, U Tun Win, member-elect from Min Don township of Magwe Division, was forced to resign as a member of the NLD, and was sent to prison for 3 years for illegally possessing foreign videotapes found at his son's video rental store (see Section 2.a.).

Outside the capital, government pressure was particularly intense. In some cases, members-elect of parliament were required to register at police stations twice per day.

In general the right of association existed only for organizations, including trade associations and professional bodies, permitted by law and duly registered with the Government, such as the Forest Reserve Environment Development and Conservation Association. The one exception to this general rule was the USDA, which the Government has attempted to develop as a nationwide political organization. Few secular nonprofit organizations exist, and those that do exist take special care to act in accordance with government policy. This group included nominally apolitical organizations such as the Myanmar Red Cross and the Myanmar Medical Association. Only 10 political parties are legally in existence, and most of those are moribund.

c. Freedom of Religion.—Most adherents of all religions duly registered with the authorities generally enjoyed freedom to worship as they chose; however, the Government imposed some restrictions on certain religious minorities. In addition in practice the Government systematically restricted efforts by Buddhist clergy to promote human rights and political freedom, and coercively promoted Buddhism over other religions in some ethnic minority areas.

The most recent constitution, promulgated in 1974, permitted both legislative and administrative restrictions on religious freedom, stating that "the national races shall enjoy the freedom to profess their religion ... provided that the enjoyment of any such freedom does not offend the laws or the public interest." The Government requires religious organizations, like all organizations, to register with it. Although there is a government directive exempting "genuine" religious organizations from registration, in practice only registered organizations can buy or sell property or open bank accounts, which induces most religious organizations to register. Religious organizations register with the Ministry of Home Affairs with the endorsement of the Ministry for Religious Affairs. The State also provides some utilities, such as electricity, at preferential rates to recognized organizations.

The Government routinely monitored religious meetings, like all assemblies; and it subjected religious publications, like all publications, to censorship and control.

There is no official state religion; however, the Government continued to show preference for Theravada Buddhism, the majority religion. State-controlled news media frequently depict junta members paying homage to Buddhist monks, making donations at pagodas throughout the country, officiating at ceremonies to open, improve, restore, or maintain pagodas, and organizing ostensibly voluntary "people's donations" of money, food, and uncompensated labor to build or refurbish Buddhist religious shrines throughout the country. State-owned newspapers routinely featured, as front-page banner slogans, quotations from the Buddhist scriptures. Buddhist doctrine remained part of the state-mandated curriculum in all elementary schools; however, individual children could opt out of instruction in Buddhism. The Government also funded the construction of the International Theravada Buddhist Missionary University in Rangoon, which opened in December 1998; its stated purpose is "to share Myanmar's knowledge of Buddhism with the people of the world."

The Government also has attempted to control the Buddhist clergy, although the clergy have resisted this control. In October 1990, the military junta promulgated Order 6/90, which prohibits any organization of Buddhist clergy other than nine state-recognized monastic orders, which submit to the authority of a state-sponsored State Clergy Coordination Committee ("Sangha Maha Nayaka Committee"—SMNC). It also issued Order 7/90, which authorizes military commanders to try Buddhist clergy before military tribunals for "activities inconsistent with and detrimental to Buddhism," and Order 20/90 which imposes on Buddhist clergy a code of conduct that is enforced by criminal penalties. These edicts remain in effect. The junta also has subjected the Buddhist clergy ("sangha") to special restrictions on freedom of expression and association and, since 1995, has prohibited the ordination as clergy of any member of a political party.

In 1999 the senior abbots of five monasteries around Mandalay protested a new order by the regional military command that forbade Buddhist clergy to leave their township of residence without first surrendering their identity cards and obtaining written permission from local authorities. Persons other than Buddhist clergy generally were not subject to such severe restrictions on movement (see Section 2.d.). In addition more than 100 monks have been imprisoned during the 1990's for supporting democracy and human rights; however, about half of these have been released, while others have died in prison.

Christian and Islamic groups continued to have difficulties in obtaining permission to build new churches and mosques, particularly on prominent sites. In parts of Chin State, authorities reportedly have not authorized the construction of any new churches since 1997. The Government reportedly also has denied permission for churches to be built along main roads in cities such as Myitkina, the capital of Kachin State. In Arakan State in April, authorities reportedly detained 12 Muslim elders for failing to demolish 3 mosques in Dodine village. In other areas of the country, Christian and Muslim groups that have sought to build small churches or mosques on side streets or in other inconspicuous locations usually have been able to gain official approval, despite a time-consuming bureaucracy.

There also were credible reports that government officials and security forces compelled both Buddhists and non-Buddhists to contribute money, food, and uncompensated labor to build, renovate, or maintain Buddhist shrines or monuments. The Government calls these contributions voluntary donations (see Section 6.c.). There also were reports of forced labor being used to dismantle temples and monasteries. For example, on July 27, army troops from the 246th Infantry Division reportedly forced 54 men to dismantle several temples and monasteries in the forced relocation areas in Kun-Hing township; on August 10, the same troops again conscripted 87 workers from the same town, and forced them to build a shelter for the lumber and tin sheets taken from the dismantled monasteries.

Since 1990 government authorities and security forces have promoted Buddhism over Christianity among the Chin ethnic minority of the western part of the coun-

try. Since 1990 government authorities and security forces, with assistance from monks of the Hill Regions Buddhist Missions, coercively have sought to induce Chins to convert to Theravada Buddhism and to prevent Christian Chins from proselytizing. This campaign, reportedly accompanied by other efforts to "Burmanize" the Chin, has involved a large increase in military units stationed in Chin State and other predominately Chin areas, state-sponsored immigration of Buddhist Burman monks from other regions, and construction of Buddhist monasteries and shrines in Chin communities with few or no Buddhists, often by means of forced "donations" of money or labor (see Section 6.c.). Government authorities repeatedly prohibited Christian clergy from proselytizing and beat those who refused to stop preaching. There also were reports of forced conversion.

Since the early 1990's, security forces have torn down or forced villagers to tear down crosses that had been erected outside Chin Christian villages; these crosses often have been replaced with pagodas, sometimes built with forced labor. In parts of Chin State, authorities reportedly have not authorized the construction of any new churches since 1997.

For several years, there have been reports that the Government sought to induce members of the Naga ethnic group in Sagaing Division to convert from Christianity to Buddhism by means similar to those used to convert members of the Chin to Buddhism. In August 1999, the first mass exodus of Naga religious refugees from the country occurred, as more than 1,000 Christians of the Naga ethnic group, from 8 different villages, fled the country to India. These Naga claimed that the army and Buddhist monks tried to convert them forcibly to Buddhism and closed and desecrated churches in their villages.

Religious groups of all faiths were able to establish and maintain links with coreligionists in other countries and travel abroad for religious purposes. However, the Government closely monitored these activities. Foreign religious representatives usually were allowed visas only for short stays but in some cases were permitted to preach to congregations.

The Government has not permitted permanent foreign missionary establishments since the mid-1960's, when it expelled nearly all foreign missionaries and nationalized all private schools and hospitals. However, some elderly nuns and priests working in the country since before independence in 1948 have been allowed to continue their work.

Religious publications, like secular ones, remained subject to censorship. Translations of the Bible and the Koran into indigenous languages could not be imported or printed legally, although this ban is not enforced in many areas. According to the Chin Freedom Coalition, in early 1999, in Tamu township, Sagaing Division, military authorities confiscated 16,000 copies of the Bible printed outside the country in the Chin, Kachin, and Karen languages; these Bibles reportedly remained confiscated at year's end.

Religious affiliation sometimes is indicated on government-issued identification cards that citizens and permanent residents of the country are required to carry at all times. There appear to be no consistent criteria governing whether a person's religion is indicated on his or her identification card. Nationals also are required to indicate their religions on some official application forms, such as passports.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts freedom of movement. Except for limitations in areas of insurgent activity, most citizens could travel freely within the country, but were required to notify their local government of their whereabouts (see Section 1.f.). Urban and rural residents also are subject to arbitrary relocation.

The freedom of movement of opposition political leaders also has been curtailed strictly. Since ostensibly freeing NLD general secretary Aung San Suu Kyi from house arrest in 1995, the junta has allowed her to travel outside the capital only once, on a visit to a monastery. On August 24, she was prevented from traveling to an NLD party meeting in Kungyangon, in the near vicinity of Rangoon, resulting in a 9-day roadside standoff, during which time she was denied access to her political followers. The standoff ended on September 2, when police took Aung San Suu Kyi and her companions into custody and detained them incommunicado at Aung San Suu Kyi's Rangoon residence until September 14. On September 21, the military Government again prevented her from traveling by train to Mandalay and again detained her incommunicado in her house (see Sections 2.b. and 3). The SPDC similarly detained on both occasions other leaders of the NLD, including the Vice Chairman of the NLD, U Tin Oo. Since 1996 security forces also have restricted public movement along the street in front of Daw Aung San Suu Kyi's residence.

The Government carefully scrutinizes prospective travel abroad. This facilitates rampant corruption, as many applicants are forced to pay large bribes (sometimes as high as \$3,000, about 1.2 million Kyat; the equivalent of 10 years' salary for the

average citizen) to obtain passports. The official board that reviews passport applications has denied passports on political grounds. All college graduates who obtained a passport (except for certain government employees) are required to pay a special education clearance fee to reimburse the Government for the cost of their education. In February the Government issued new regulations on overseas employment passports that ultimately made it harder for citizens to travel overseas. Citizens who had emigrated legally generally were allowed to return to visit relatives. Some who had lived abroad illegally and had acquired foreign citizenship also were able to return.

Those residents unable to meet the restrictive provisions of the citizenship law, such as ethnic Chinese, Arakanese, Muslims, and others, must obtain prior permission to travel. Since the mid-1990's, the Government also has restricted the issuance of passports to female citizens (see Section 5). In addition the Government prohibits foreign diplomats and foreign employees of U.N. agencies based in Rangoon from traveling outside the capital without advance permission.

Restrictions on foreign travelers have been eased as part of an effort to promote tourism. Burmese embassies now issue tourist visas, valid for 1 month, within 24 hours of application. However, select categories of applicants, such as foreign human rights advocates, journalists, and political figures are denied entry visas regularly unless traveling under the aegis of a sponsor acceptable to the Government and for purposes approved by the Government. The Government also has detained and deported several journalists.

There is a large number of internally displaced persons (IDP's) in the country. NGO's estimate that there could be as many as 1 million minority group members who the SPDC has moved forcibly from their villages and districts and who now live near or along the Thai border. NGO's also estimate that an additional 1 million IDP's also might exist in various other locations throughout the country; however, it is very difficult to confirm specific numbers of IDP's.

For decades successive military regimes have applied a strategy of forced relocation against ethnic minority groups seeking autonomy; these forcible relocations continue, particularly alongside the Thai border. Thousands of villagers continue to flee or be driven from their homes and face numerous abuses (see Sections 1.a., 1.c., 1.g., 2.d., and 6.d.). For example, according to a March www.Shanland.org report and other secondary sources, on January 27, SPDC troops from the 520th Light Infantry Battalion led by Captain Than Maung, reportedly forced 120 households in Ho Phaai Long village, Ho Phaai Long tract, MurngPan township, Shan State, to relocate; in the process, troops arrested many villagers, looted houses, and raped numerous women. However, this incident could not be independently confirmed.

Repressive government policies and the military's brutal treatment of ethnic insurgencies has produced hundreds of thousands of refugees who now primarily reside in Thailand, India, and Bangladesh. There are about 150,000 persons in refugee camps on Burma's borders. Of these, at least 122,000 Karen, Mon, and Karenni resided in refugee camps in Thailand. In addition there were tens of thousands of Shan refugees whom the Thai Government did not confine to camps. On the country's western border, 20,000 Rohingya Muslims remained in refugee camps in Bangladesh (see Section 5).

The Government does not allow refugees or displaced persons from abroad to resettle or seek safe haven and has no policy to grant asylum. There were no reports that persons formally sought asylum in the country during the year. There also were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

Despite the overwhelming desire that citizens demonstrated in the 1990 elections for a return to democracy, the regime continued to deny them the right to change their government.

The military junta has waged a decade-long campaign of coercion and intimidation to prevent the parliament elected in 1990 from convening (see Sections 1.c., 1.d., 1.e., and 3.). Measures included detaining over 200 members-elect as "state guests" in 1998. Of these, at least 45 remained in detention at year's end (see Section 1.d.).

Since 1962 active duty military officers have occupied most important positions in both the central Government and in local governments. Since 1988 all state power has been held by a military junta. All members of the junta have been military officers on active duty, and the junta has placed military or recently retired military officers in most key senior level positions in all ministries. By year's end, only 13 of the 41 government Ministers were civilians.

Following the NLD's victory in the 1990 elections, the military junta refused to implement the election results and disqualified, detained, or imprisoned many successful candidates. Many other members-elect of parliament fled the country (see Sections 1.d. and 1.e.).

Rather than accept the will of citizenry as expressed in the 1990 election, the junta convened a national convention in 1993 to draw up principles for a new constitution. The junta handpicked most delegates, and carefully orchestrated the proceedings; even limited opposition views were ignored. The junta tasked the convention with drafting a new constitution designed to provide a dominant role for the military services in the country's future political structure. In 1995 the NLD withdrew from the convention and demanded a revision in working procedures so as to allow debate and meaningful participation by all parties in formulation of a new constitution. Two days after its withdrawal, the NLD was expelled formally. In March 1996, the national convention adjourned. It has not reconvened.

A final draft constitution never has emerged from the national convention. However, at the instigation of the Government, the convention has adopted several provisions that, if incorporated in the constitution, would ensure the large-scale involvement of the military services in all levels of government. These provisions include reserving 25 percent of seats in the parliament for members appointed by the military services and reserving key government posts for military personnel as well. Other provisions prohibited, among other things, anyone who has received any type of assistance from a foreign source or who is "under acknowledgment of allegiance" to a foreigner from participating in the Government. These provisions apparently were designed to exclude Aung San Suu Kyi, who was married to a British citizen.

During the year, the military junta intensified its systematic use of coercion and intimidation to deny citizens the right to change their government. In September 1998, the NLD leadership organized a CRPP on the basis of written delegations of authority from a majority of the surviving members-elect of the 1990 parliament, in view of the junta's continued use of force to prevent the whole parliament from convening. That committee was empowered by those members-elect to act on behalf of the parliament until the parliament was convened. In retaliation the junta has launched a sustained and systematic campaign to destroy the NLD without formally banning it; authorities have pressured many thousands of NLD members and local officials to resign and closed party offices throughout the country. Military intelligence officials also detained over 200 members-elect of parliament, at least 45 of whom remain in detention; many were held without being charged formally (see Section 1.d.). Others have been released, but only after agreeing either to resign from the parliament or to accept their recall by government-managed referendums. Among its other coercive tactics, the Government compels citizens to participate in meetings that criticize NLD members-elect or call for the dissolution of the NLD (see Section 2.b.).

The junta's nationwide campaign in which local authorities pressured constituents to sign statements of no confidence in NLD representatives elected from their districts in 1990 appeared to have been cut back considerably during the year. In prior years, a majority of eligible voters in a number of townships had signed petitions expressing no confidence in NLD members-elect of parliament. These petitions were presented to local Multiparty Democracy General Election Commissions in formal ceremonies staged at mass rallies widely publicized by state-owned media. Both the CRPP in public statements and the NLD in lawsuits it filed to protest these activities (see Section 1.e.) credibly alleged that the Government and USDA officials generally obtained signature of these petitions and participation in these mass rallies by systematic coercion and intimidation (see Section 1.e.). However, in contrast with previous years, very few, if any, members-elect of parliament were recalled during the year.

As a result of these measures, the Government's Multiparty Democracy General Election Commission announced in October 1999, that of 392 NLD members elected to parliament in 1990, only 92 remained both NLD members and members-elect of parliament. As for the rest, 105 had resigned their parliamentary status, 139 had been disqualified by the commission, 27 had resigned from the NLD, and 31 had died.

In contrast with these figures, the CRPP claimed in September to enjoy the support of 433 of the 485 members-elect of parliament.

Late in the year, with encouragement from U.N. Special Representative Ismail Razali (see Section 4), the Government initiated a dialog with Aung San Suu Kyi, which appeared to produce some relaxation in the restrictions on the NLD. In addition the NLD was able to resume some normal activities, and press attacks on the NLD and Aung San Suu Kyi ceased. However, by year's end, the dialog had not produced tangible results.

Women and minorities were underrepresented in the Government and the top ranks of government services. They also were excluded from military leadership. There were no female members of the SPDC, ministers, or Supreme Court judges.

Members of certain minority groups also were denied full citizenship and a role in government and politics (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not allow domestic human rights organizations to exist, and it remained generally hostile to outside scrutiny of its human rights record. Approximately 15 nonpolitical, humanitarian, international NGO's continued project work. A few others established a provisional presence while undertaking the protracted negotiations necessary to set up permanent operations in the country.

The military persecuted some human rights workers during the year. For example, according to the Chin Human Rights Organization, on June 26, the Commander of the 266th Light Infantry Battalion murdered Zo Thang, a field monitor for the NGO, as well as two associates, in Bung Khua village, Chin State (see Section 1.a.). The Chin Human Rights Organization's mandate is to document human rights violations committed by the military junta in Chin State and the northwestern part of the country. The same battalion reportedly also arrested Pi Sai Sung, a 29-year-old Chin farmer whom the SPDC accused of being a sexual acquaintance of the killed human rights officer, and abused her (see Section 1.c.).

The Government continued to refuse to meet with representatives of the U.N. Human Rights Commission (UNHRC), which repeatedly has criticized the Government's human rights record, and continued to deny the UNHRC Special Rapporteur for Burma, Rajsoomer Lallah, entry into the country. In his report to the UNHRC, issued on October 26, Lallah criticized the human rights violations committed against ethnic minorities as a result of the SPDC's policy of forcible relocations and its continued recourse to forced labor (see Sections 2.d., 5, and 6.c.). During the year, the Government allowed two visits by U.N. Special Envoy to Burma, Tan Sri Dato Razali Bin Ismail (see Sections 1.e. and 3).

The Government's restriction on travel by foreign journalists, NGO staff, U.N. agency staff, and diplomats; its monitoring of the movements of such foreigners; its frequent interrogation of citizens about contacts with foreigners; its restrictions on the freedom of expression and association of citizens; and its practice of arresting citizens who passed information about government human rights abuses to foreigners all impeded efforts to collect or investigate information about human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified with certainty.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The military junta continued to rule by decree and was not bound by any constitutional provisions concerning discrimination.

Women.—Domestic violence against women, including spousal abuse, appears to be relatively infrequent. Married couples often live in households with extended families, where social pressure tends to protect the wife from abuse.

In general women traditionally have enjoyed a high social and economic status and have exercised most of the same basic rights as men. Consistent with traditional culture, women keep their names after marriage and often control family finances. However, women remained underrepresented in most traditional male occupations, and women continued to be barred effectively from a few professions, including the military officer corps. The burden of poverty, which is particularly widespread in rural areas, also fell disproportionately on women.

Women do not receive consistently equal pay for equal work. Women legally were entitled to receive up to 26 weeks of maternity benefits; however, in practice these benefits often were not accorded to women. In an effort to combat trafficking in women, the Government also has begun to discourage women from marrying foreigners and to restrict foreign travel by women. However, it has not enforced these restrictions consistently (see Sections 2.d. and 6.f.).

Prostitution is becoming an increasingly overt problem, particularly in some of Rangoon's "new towns," which are populated chiefly by poor families forcibly relocated from older areas of the capital. The Government and at least one international NGO operate schools and other rehabilitation programs for former prostitutes.

Trafficking in women for the purposes of prostitution also is a serious problem (see Section 6.f.).

There are no independent women's rights organizations. The National Committee for Women's Affairs in the Ministry of Social Welfare is charged with safeguarding women's interests. The Myanmar Maternal and Child Welfare Association, a government-controlled agency, provided assistance to mothers. A professional society for businesswomen, the Myanmar Women Entrepreneurs' Association, which was formed in 1995, provided loans to new businesses and made charitable donations.

Children.—The Government continued to neglect the education of children, allocating a minimal level of resources to public education. In response to this neglect, private institutions have begun to emerge, despite an official monopoly on education. Government expenditures for all civilian education for 1998-99 were equivalent to less than 1 percent of recorded gross domestic product (GDP) during the year and have declined by more than 70 percent in real terms since 1990. According to government studies conducted with U.N. assistance, only 37 percent of children finished fourth grade in urban areas and only 22 percent did so in rural areas. Rates of school attendance and educational attainment decreased during the 1990's, largely due to increasing formal and informal school fees as the junta diverted expenditures from health and education to the armed forces. Teachers' salaries were far below subsistence wages. Increasingly, only relatively prosperous families could afford to send their children to school, even at the primary level. In some areas in the center of the country, where few families could afford unofficial payments to teachers, teachers generally no longer came to work and schools no longer functioned.

Children also suffered greatly from the junta's severe and worsening neglect of health care.

Private health care facilities increasingly became the provider of choice for the relatively prosperous. The junta has cut government expenditures on public health care even more sharply than it cut spending for education. Government expenditures for civilian health care in 1998-99 were equivalent to only 0.3 percent of GDP. Government studies sponsored by U.N. agencies in 1997 found that, on average, 131 of 1,000 children died before reaching the age of 5 years, and that only 1 of 20 births in rural areas was attended by a doctor. Those same studies indicated that, of children under 3 years old, 37 percent were malnourished, and 13 percent were severely malnourished. The World Health Organization considers the country's health care system to be extremely poor.

Child prostitution and trafficking in girls for the purpose of forced prostitution—especially Shan girls who were sent or lured to Thailand—continued to be a major problem (see Section 6.f.). While legislation criminalizing child prostitution and child pornography exists, it is enforced poorly. Reports from Thailand indicated that the rising incidence of HIV infection there has increased the demand for supposedly “safer” younger prostitutes, many of whom come from Burma.

The army conscripts children as young as the age of 14, especially orphans and street children. These children are deployed to training camps where they support the military combat forces. In combat areas, the military forces continued to force children to labor as porters, and often subjected them to beatings (see Sections 1.g., 6.c., and 6.d.).

Religious Minorities.—The great majority of the country's population follows Theravada Buddhism. However, there are minorities of Christians (mostly Baptists, as well as some Catholics and Anglicans), Muslims (mostly Sunni), Hindus, and practitioners of traditional Chinese and indigenous religions. There also are social tensions between the Buddhist majority and the Christian and Muslim minorities, largely due to government preference in practice (although not in law) for non-Buddhists during the period of British colonial rule and for Buddhists since independence.

Non-Buddhists are discriminated against at upper levels of the public sector. Only one non-Buddhist served in the Government at the ministerial level, and the same person, a brigadier general, is the only non-Buddhist known to have held flag rank in the armed forces during the 1990's. The Government actively discourages Muslims from entering military service, and Christian or Muslim military officers who aspire to promotion beyond the middle ranks are encouraged by their superiors to convert to Buddhism.

Members of the Muslim Rohingya minority in Arakan State, on the country's western coast, continued to experience severe legal, economic, and social discrimination. The Government denies citizenship status to most Rohingyas on the grounds that their ancestors allegedly did not reside in the country at the start of British colonial rule in 1824, as required by the country's highly restrictive citizenship law. In 1991, and again in 1997 and 1998, tens of thousands of Rohingyas fled from Arakan State into Bangladesh following anti-Muslim violence alleged (although not proven) to have involved government troops. Most of those refugees since have re-

turned, although 20,000 reportedly still remain in Bangladesh. Rohingyas who have returned to Arakan complained of government restrictions on their ability to travel and to engage in economic activity. In addition government authorities in Arakan State reportedly have compelled Muslims to build Buddhist pagodas as part of the country's forced labor program and provide portage, and have confiscated land and produce, restricted freedom of movement, and engaged in other abuses (see Sections 1.c., 2.d., and 6.c.). In addition, because the Government reserves secondary education for citizens only, Rohingyas do not have access to state run schools beyond primary education, and are unable to obtain most civil service positions.

There are credible reports that anti-Islamic booklets were distributed throughout the country by the USDA in 1999. In addition in March 1999 and April 2000, the Government forcibly relocated about 200 Buddhist slum dwellers from Dagon township in Rangoon to Arakan State; this had the dual effect of helping to eliminate slums in Rangoon, while increasing the population of Buddhist citizens in Arakan State. According to credible reports, during the year in Rakhine State, the Government opened several "model villages" for Buddhist families relocated from other areas. The Rohingyas already residing in the area have had their land seized without compensation and were forced to engage in construction and maintenance, including requisitioning food supplies. In addition the Muslim Rohingyas often are forced to build Buddhist pagodas for the new arrivals (see Sections 2.c., 2.d., and 6.c.).

Since 1994, when the progovernment DKBA was organized, there has been armed conflict between the DKBA and the Christian-led KNU. This armed conflict between two nongovernmental Karen organizations has had strong religious overtones. During the mid-1990's, it reportedly was common DKBA practice to torture Christian villagers and kill them if they refused to convert to Buddhism. DKBA treatment of Christians reportedly improved substantially after the DKBA settled down to administering the regions that it had conquered. According to one report, in February a DKBA unit ordered villagers in Khwet Phoe village to destroy a local mosque after arresting and executing five villagers for supporting the KNU. In April residents of Kaw Kyaik village in Karen State protested an order from DKBA units to destroy the local mosque.

In June the authorities claimed in an unconfirmed report that 28 Karenni National Progressive Party insurgents shot and wounded a Catholic priest, Father Abe Lei, and took 4 other persons hostage on June 17. At year's end, there was no available information on what had happened to the hostages.

People with Disabilities.—In principle official assistance to the disabled includes two-thirds of pay for up to 1 year of a temporary disability and a tax-free stipend for permanent disability; however, in practice assistance is extremely limited. There is no law mandating accessibility to buildings, public transportation, or government facilities. While there are several small-scale organizations to assist the disabled, most disabled persons must rely on their families to provide for their welfare. Disabled veterans receive available benefits on a priority basis. Because of landmine detonations, there is a high rate of amputee injuries.

National/Racial/Ethnic Minorities.—Wide-ranging governmental and societal discrimination against minorities persists.

Animosities between the country's many ethnic minorities and the Burman majority, which has dominated the Government and the armed forces since independence, continued to fuel active insurgencies that resulted in many killings and other serious abuses. Some frequently reported abuses included killings, beatings, and rapes of Chin, Karen, Karenni, and Shan by mostly Burman army soldiers (see Sections 1.a., 1.c., and 1.g.). During the 1990's, the junta has sought to pacify these ethnic groups by means of negotiated cease-fires, grants of limited autonomy, and promises of development assistance.

The Government continued to discriminate systematically against non-Burmans. National identity cards and passports generally denoted the ethnicity of non-Burmans either explicitly or through the use of a personal title in the ethnic minority language rather than Burmese. Ethnic minority areas that were remote from active insurgent operations, such as the large Karen areas of Irrawaddy Division, experienced tighter controls on personal movement, including more frequent military checkpoints, closer monitoring by military intelligence, and larger military garrisons and hence more informal taxes, than comparable Burman areas.

Ethnic minority groups generally had their own primary languages. However, throughout all parts of the country controlled by the Government, including ethnic minority areas, Burmese remained the sole language of instruction in all state schools. Even in ethnic minority areas, primary and secondary state schools did not offer any instruction in the local ethnic minority language even as a second language. There were very few domestic publications in indigenous minority languages.

In some ethnic minority areas such as Chin State, there continued to be many reports that the army offered financial and career incentives for Burman soldiers to marry Chin women, teach them Burmese, and convert them to Buddhism. Throughout the 1990's, there were many credible reports that the junta resettled groups of Burmans in various ethnic minority areas. Visible evidence of this resettlement can be seen along the Heho-Nyaungshwe road in Shan State and along the Mandalay-Mogoke road as it heads into Shan State.

The ethnic minority populations continued to complain that the Government has not addressed their concerns adequately. Economic development among minorities has continued to lag, leaving many persons living at below subsistence levels.

There are ethnic tensions between Burmans and nonindigenous ethnic populations including Indians, many of whom are Muslims, and a rapidly growing population of Chinese, mostly recent immigrants from Yunnan province who increasingly dominate the economy of the northern part of the country. Both groups have tended to be more commercially oriented and hence more prosperous and economically powerful than Burmans, and their members commonly have discriminated based on ethnicity in hiring, buying, and selling.

Since only persons who can prove long familial links to the country are accorded full citizenship, nonindigenous ethnic populations (such as Chinese and Indians) are denied full citizenship and are excluded from government positions. Persons without full citizenship face restrictions in domestic travel (see Section 2.d.). They also are barred from certain advanced university programs in medicine and technological fields.

Section 6. Worker Rights

a. The Right of Association.—The 1926 Trade Unions Act, which remained in effect, permits the formation of trade unions only with the prior consent of the Government; however, free trade unions do not exist in the country, and the junta has dissolved even the government-controlled union that existed before 1988.

There were no strikes during the year. The last reported strike was in December 1997, when workers in a foreign-owned textile factory in Pegu staged a successful 4-day strike.

Because of its longstanding violation of ILO Convention 87 on freedom of association, the 1998 ILO conference cited the Government for its continued failure to implement that convention and criticized both the lack of progress and the absence of cooperation on the part of the Government. In response the Government issued a press release in June 1999, stating that it would "cease participation in activities connected with Convention 87," a step tantamount to withdrawal from the Convention.

The Government also forbids seamen who found work on foreign vessels through its Seafarers' Employment Control Division from contacting or participating in any activities of the International Transport Workers' Federation.

No unions in the country are affiliated internationally.

In 1989 the U.S. suspended the country's eligibility for trade concessions under the Generalized System of Preferences program until steps are taken to afford its labor force internationally recognized worker rights.

b. The Right to Organize and Bargain Collectively.—Workers do not have the right to organize and bargain collectively. The Government's Central Arbitration Board, which once provided a means for settling major labor disputes, exists in name but, in practice, has been dormant since 1988. Township-level labor supervisory committees exist to address minor labor concerns.

The Government unilaterally sets wages in the public sector. In the private sector, market forces generally set wages. However, the Government has pressured joint ventures not to pay salaries greater than those of ministers or other senior employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector but followed the example of joint ventures in awarding supplemental wages and benefits.

There are no export processing zones (EPZ's). However, there are special military-owned industrial parks, such as Pyin-Ma-Bin near Rangoon, which attract foreign investors by offering cheaper labor than is available elsewhere. Another example is the 2,000-acre Hlaingthaya Industrial Zone in Rangoon; at least four companies are known to export operate on its premises (see Section 6.c.). These are tantamount to EPZ's in many respects.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor remains a widespread and serious problem. Although the Penal Code provides for the punishment of persons who impose forced labor on others, there are no known cases of the application of this provision. Throughout the country, international observers

have confirmed that the Government routinely forces citizens to work on construction and maintenance projects. The law does not specifically prohibit forced and bonded labor by children, and forced labor by children occurs.

During the year, the International Labor Organization took several unprecedented steps to address the "widespread and systematic use" of forced labor in the country. On February 28, the Director General of the ILO issued a report to the ILO's Governing Body that concluded that the Government had ignored the recommendations of the ILO Commission of Inquiry regarding forced labor. In June the ILO Conference suspended Burma, barring it from receiving ILO technical assistance or attending ILO meetings, due to the Government's "flagrant and persistent failure to comply" with Convention 29 on forced labor. It also passed a resolution that called upon the ILO Governing Body to recommend to the ILO's members that they review their relations with Burma and take appropriate measures to ensure that those relations do not perpetuate the system of forced labor, if the Government failed to take effective action to amend its practices by November. The Government did not take the required actions and, on November 16, the ILO Governing Body, for the first time in its history, voted to apply these "Article 33" sanctions. In addition to requesting that members review their relations with Burma, these sanctions also require the ILO to advise international organizations working in the country to reconsider any cooperation that they may be engaged with in Burma and to cease any activity that could have the effect of abetting the practice of forced or compulsory labor.

The ILO Conference's action followed an exhaustive 1998 report by an ILO Special Commission of Inquiry into Forced Labor in Burma, which concluded, based on 6,000 pages of documentation, that there was abundant evidence of pervasive use of forced labor in the country. The Special Commission of Inquiry found that women, children, and the elderly were required to perform forced labor; that porters often were sent into dangerous military situations, rarely received medical treatment, and almost never were compensated; that forced laborers frequently were beaten; and that some women performing forced labor were raped or otherwise abused sexually by soldiers (see Section 1.c.).

Many detailed credible reports indicate that in recent years, especially in areas inhabited chiefly by members of the Chin, Karen, Karenni, and Shan ethnic groups, army units have increased their use of forced labor for logistical support purposes, including to build, repair, or maintain army camps and roads to them, as well as to plant crops, cut or gather wood, cook, clean, launder, weave baskets, fetch water for army units and—in the case of young women—to provide sexual services to soldiers. The number of reports of this practice has increased since 1997, when the junta required regional military commanders to become more self-sufficient (see Sections 1.f. and 1.g.).

Authorities continued to impose forced labor chiefly, although not exclusively, on rural populations, and imposed forced labor quotas on villages, households, or persons directly or through village headmen. Government authorities often allowed households or persons to substitute money or food for contributions of labor for infrastructure projects, but widespread rural poverty obliged most households to contribute labor. The State allocated funds to regional and local authorities to pay wages to at least some of the civilians on whom it imposed labor obligations; however, these wages were set at levels below the prevailing wage, and reports indicated that local authorities commonly did not disburse allocated funds to workers. Especially in ethnic minority areas, the army often deployed soldiers to guard persons engaged in forced labor; there also were reports that soldiers often beat and occasionally killed workers (see Sections 1.a. and 1.c.). Government troops also force villagers to eradicate opium poppy fields, after which the government seeks recognition internationally for its counternarcotics efforts.

There are many examples of forced labor. Since the end of 1999, thousands of persons from 19 villages have been working daily to build the Mandalay-Lashio road. Farmers reportedly are fined \$1.25 (500 Kyat) if they cannot provide labor. Private transport agencies also are forced to contribute either a car or \$6.25 to \$12.5 (2,500 Kyat to 5,000 Kyat) per month. Starting in January, USDA members (acting under the authority of the SPDC) forced the town residents to sweep and clean the roads and streets in Ta-Khi-Laek town every Saturday. One person from each house was required to work or pay \$2.25 (100 Baht in Thai money) to the per Oah house wachiKalewa Oah house wambers dw(1R noacting und39

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There also were reports that the Government used forced labor to construct infrastructure to support tourism. In 1999 government officials used forced labor to build the approach road to the new international airport in Mandalay. Officials reportedly went door-to-door in villages outside Mandalay, ordering each household to contribute either \$0.75 (300 Kyat) or one person's labor to the project. Most households contributed labor. Government officials also used forced labor to prepare the historic city of Mrauk-Oo in Arakan State for expected tourist and important visitor arrivals. According to credible sources, in February the SPDC announced plans to develop the Karen hill town of Than Daung Gyi as a tourist "hill resort." Immediately after the announcement, new army battalions moved in, land was confiscated from the town's residents and surrounding villages, and persons started doing forced labor on a road to the hot springs at Ker Weh.

In addition since late 1998, the Government has used large amounts of forced labor on a project to double the country's cultivated land by developing 22 million acres of wetlands and virgin lands. This involved the establishment of "labor villages" to help private entrepreneurs, including foreign investors, to develop these wetlands. In December 1998, government authorities instructed each village tract from 8 townships in Sagaing Division to provide 2 villagers to work on 500 acres of land per township for a project to reclaim about 4,000 acres of virgin land. In addition each household was required to give about \$0.50 (200 Kyat) to the authorities to buy food for workers on the project. In 1999 officials of the military's northwest command forced villagers in Sagaing Division's Yinmarbin Township to provide uncompensated labor or else pay more than \$2.50 (1,000 Kyat) per person to reclaim 2,000 acres of fallow land. Authorities in another township in Sagaing Division reportedly forced villagers to clear 1,000 acres of land or pay a fine of more than \$8.75 (3,500 Kyat) per household. Authorities in Irrawaddy Division ordered residents of a village both to clear over 100 acres of land as part of a wetlands reclamation project, and to pay for equipment needed to clear the land.

There also were credible reports that government officials and security forces compelled both Buddhists and non-Buddhists to contribute money, food, and uncompensated labor to build, renovate, or maintain Buddhist shrines or monuments. For example, in Wuntho Township of Sagaing Division, the authorities forced villagers from eight Ma-Gyi-Bin village tracts to provide labor for building a 108-foot pagoda. If a household cannot provide labor, then that household is obliged to provide \$3.50 (1,400 Kyat) plus a 2.2 pounds of rice for each worker that it could not provide. Five townships (Katha, Ingaw, Banmauk, HtiGyan, and Pin-Le-Bu) in the same area also were forced to transport 500,000 bricks each for the pagoda. Similarly, in Twantay township, Rangoon Division, authorities forced villagers to guard the ancient Danoke Pagoda, which has been under renovation, and to gather wood, fetch water, and perform other tasks for soldiers involved in the project. In Bogalay township, Irrawaddy Division, authorities forced villagers to construct 32 miles of road between Pe-Chaung village and Kadone village for the use of Buddhist pilgrims. This work reportedly was done at the request of the Pe-Chaung monastery. In a predominantly Islamic Maungdaw District in Arakan State, authorities required villagers to build a Buddhist pagoda in Dail Fara (see Section 2.c.).

There also were reports that forced labor was used to dismantle temples and monasteries (see Section 2.c.).

The army continued to force citizens—including women and children—to work as porters in military actions against ethnic insurgents. This practice continued to lead to mistreatment, illness, and death (see Sections 1.a., 1.c., and 1.g.). Both the 1999 report of the ILO's Director General and reports by NGO's including Amnesty International described dozens of cases of forced portering. According to local reports, in Northern Rakhine State all of the men and boys of a village (between the ages of 7 and 35) contribute 10 days per month of labor to the military. Reportedly local villages must supply males every 2 weeks to serve as porters and to carry food and ammunition toward the border with Bangladesh to military camps. Rohingyas claim that their group is the only one in the area whose members are forced to serve as porters for the army, and that the nearby model villages that are populated by Buddhist Burmans from the cities are exempt from portering, forced labor, and forced contributions of foodstuffs (see Sections 2.d. and 5).

Parents routinely called upon their children to help fulfill their households' forced labor obligations, without government opposition (see Section 6.d.).

There were numerous, detailed, and credible reports that forced labor, including forced child labor, was used directly in growing and harvesting some crops, chiefly for army units.

Widespread forced labor, including forced child labor, continued to contribute materially to the construction and maintenance not only of irrigation facilities important to the cultivation of some export crops including rice, but also of roads and

some railroads important for the transportation of exports to ports. Forced labor, including forced child labor, has contributed materially to the construction of industrial parks subsequently used largely to produce manufactured exports including garments. According to two eyewitness accounts, forced labor was used to develop the Hlaingthaya Industrial Zone in Rangoon (see Section 6.b.). There have been many credible reports that forced labor, including forced child labor, has been used widely since 1998 to clear and drain virgin lands and wetlands for the cultivation of crops many of which, according to public descriptions of the Government's economic plans, are intended largely for export.

In July 1998, the ILO Commission of Inquiry reported that forced labor had been used to dig and cultivate shrimp farms, particularly in Rakhine State and Sagaing Division.

The Ministry of Home Affairs also operates forced prison labor camps for portage, quarries, agriculture, livestock farms, roads and infrastructure, and other activities. Reportedly inmates sent to labor camps have sentences that range from 6 months to 10 years, and most are nonviolent offenders. The Government's use of prison labor reportedly has increased significantly in recent years. Reportedly, the prison labor camp system is the main recruiting ground for the military's most severely mistreated forced laborers (such as porters who die en route and civilians who are sent into mine fields). The ICRC reports that the mortality rate of prisoners in labor camps is much too high (see Section 1.c.).

The authorities reportedly round up street children, provide them with military training, and forcibly conscript them (see Sections 5 and 6.d.).

Trafficking in women and girls to neighboring countries for the purpose of forced prostitution remained a serious problem (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Although the law sets a minimum age of 13 for the employment of children, in practice the law is not enforced. In the past few years, child labor has become increasingly prevalent and visible. Working children are highly visible in cities, mostly working for small or family enterprises, and in family agricultural activities in the countryside. Children working in the urban informal sector in Rangoon and Mandalay often start work at young ages. Children are hired at lower pay rates than adults for the same kind of work. In the urban informal sector, child workers are found mostly in food processing, selling, refuse collecting, light manufacturing, and as tea shop attendants. According to government statistics, 6 percent of urban children work, but only 4 percent of those earn wages. Despite a compulsory education law, almost 50 percent of children never enroll in school, and only 40 percent of them complete the 5-year primary school course (see Section 5).

The law does not prohibit specifically forced and bonded labor by children; while bonded labor is not practiced, forced labor by children occurs. The military Government not only tolerates child labor, but also uses children as porters in infrastructure development and in providing other services to military forces (see section 6.c.). There have been several reports that the authorities often round up orphans and street children in Rangoon and other cities and then give them military training (see Section 6.c.). In combat areas, children have been forced to serve as porters, where beatings and other mistreatment reportedly occur.

Households tend to satisfy forced labor quotas by sending their least productive workers (usually children), and government authorities have accepted such workers in satisfaction of those quotas. Children often have been seen building or repairing roads and irrigation facilities. In recent years, there have been growing numbers of reports that military units in various ethnic minority areas either forced children to perform support services, such as fetching water, cleaning, cutting bamboo, or cultivating food crops, or allowed households or villages to use children to satisfy army orders to perform such services (see Sections 1.f. and 6.c.).

Trafficking in girls to neighboring countries for the purpose of forced prostitution remained a serious problem (see Sections 5 and 6.f.).

There are credible reports that insurgents also used women and children as porters. Some former KNU troops known as God's Army reportedly are led by child soldiers.

e. Acceptable Conditions of Work.—Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum daily wage for salaried public employees is \$0.25 (100 Kyats) for what is in effect a 6-hour workday. Various subsidies and allowances supplement this sum. Neither the minimum wage nor the higher wages earned even by senior government officials provides a worker and family with a decent standard of living. Low and falling real wages in the public sector have fostered widespread corruption. In the private sector, urban laborers earn about \$0.50 per day (200 Kyat), while rural agricul-

tural workers earn about half that rate. Some private sector workers earn substantially more; a skilled factory worker earns about \$12 per day (4,800 Kyat).

Surplus labor conditions, a poor economy, and lack of protection by the Government continue to dictate substandard conditions for workers. The 1964 Law on Fundamental Workers Rights and the 1951 Factories Act regulate working conditions. There is a legally prescribed 5-day, 35-hour workweek for employees in the public sector and a 6-day and a 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. The law also allows for a 24-hour rest period per week, and workers have 21 paid holidays per year. However, in practice such provisions benefited only a small portion of the country's labor force, since most of the labor force was engaged in rural agriculture.

Numerous health and safety regulations exist, but in practice the Government has not made the necessary resources available to enforce the regulations. Although workers may in principle remove themselves from hazardous conditions, in practice many workers cannot expect to retain their jobs if they do so.

f. Trafficking in Persons.—Although there are laws—including laws against abduction—that prohibit some aspects of trafficking in persons, no law is known specifically to prohibit trafficking, and trafficking in women and children is a severe problem.

Burma is a source country for thousands of women and young girls who are trafficked into the commercial sex industries of neighboring countries. There are reliable reports that many women and children in border areas, where the Government's control is limited, were forced or lured into working as prostitutes in Thailand and China. In fact, trafficking and exploitation near the Thailand border sometimes is condoned by local government officials. It is unknown how many young women have been induced or coerced into working as prostitutes, but a common practice is to lure young women to Thailand with promises of employment as a waitress, domestic servant, or factory worker. Occasionally European and Asian prostitutes can be found in Mong La in Special Region 4 of Shan State.

Child prostitution of girls, especially from the Shan ethnic minority sent or lured to Thailand, continued to be a major problem.

Government efforts to stop trafficking in young women are limited and relatively ineffective, despite sporadic arrests. There are regulations forbidding girls under age 25 from crossing the border unless accompanied by a guardian. In recent years the Government has made it difficult for women to obtain passports or marry foreigners in order to reduce the outflow of women both as victims of trafficking and for other reasons (see Sections 1.f. and 2.d.). However, most citizens who were forced or lured into prostitution crossed the border into Thailand without passports. There also is evidence of fraud. It is illegal to leave the country without government authorization. The Government has adopted the Bangkok Accord and Plan of Action Against Trafficking; there also is an interagency task force on trafficking.

A number of NGO's offer poverty alleviation and education programs designed to counter trafficking.

CAMBODIA

Cambodia is a constitutional monarchy. Political stability, achieved through the coalition government formed following the 1998 national elections, generally continued through year's end. Hun Sen of the Cambodian People's Party (CPP) is Prime Minister, Prince Norodom Ranariddh of the National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC) is President of the National Assembly, and Chea Sim of the CPP is President of the Senate. King Norodom Sihanouk remains the Constitutional monarch and Head of State. Most power lies within the executive branch and, although its influence continues to grow within the coalition structure, the National Assembly does not provide a significant check to executive power. The Khmer Rouge no longer is a political or military threat, but one other antigovernment group led a violent attack against the Government during the year. The judiciary is not independent; it frequently is subject to legislative and executive influence, and suffers from corruption.

The National Police, an agency of the Ministry of Interior, have primary responsibility for internal security, but the Royal Cambodian Armed Forces (RCAF), including the military police, also have domestic security responsibilities. Government efforts to improve police and RCAF performance and to demobilize the military forces remained hampered by budgetary limitations. Members of the security forces committed numerous documented human rights abuses.

Cambodia is a poor country. It has a market economy in which approximately 80 percent of the population of 11.7 million engage in subsistence farming, with rice as the principal crop. Economic deprivation and poor health characterize life for most citizens. Annual per capita gross domestic product is approximately \$280. Average life expectancy is only approximately 50 years. Foreign aid is an important component of national income. The economy grew at a modest rate of 4.5 percent during the year. The country still has difficulty in attracting foreign investment and mobilizing domestic savings to support economic development.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. The military forces and police were responsible for several extrajudicial killings and failed to stop lethal violence by citizens against criminal suspects; the Government rarely prosecuted the perpetrators of such killings, and impunity remains a problem. There was one confirmed report of a politically motivated killing but, unlike past years, the Government arrested the suspected perpetrator. There were credible reports that members of the security forces tortured, beat, and otherwise abused persons in custody, often to extract confessions. Prison conditions remained harsh, and the Government continued to use arbitrary arrest and prolonged pretrial detention. Courts prosecuted some members of the security forces for human rights abuses; however, impunity for many who commit human rights abuses remained a serious problem. National and local government officials generally lacked the political will and financial resources to act effectively against members of the security forces suspected of responsibility for human rights abuses. Democratic institutions, especially the judiciary, remained weak. The judiciary is subject to influence by the executive branch and is marred by inefficiency, a lack of training, a shortage of resources, and widespread corruption related to low wages. Politically related crimes rarely were prosecuted. Citizens without defense counsel often effectively were denied the right to a fair trial. Societal discrimination against women remained a problem. Domestic violence against women and abuse of children are common. Discrimination against the disabled is a problem. The ethnic Vietnamese minority continued to face widespread discrimination by the Khmer majority, and this enmity was exploited by the political opposition.

Trade unions have become more numerous and active; the Government eased the process of union registration and improved Labor Law enforcement. However, enforcement of the Labor Law and regulations, including protections for workers' rights to organize, remained a problem. Forced labor in the commercial sex industry also is a problem.

Trafficking in women and children for the purpose of forced prostitution is a serious problem.

Mob violence, although none was ethnically directed, resulted in some vigilante-style killings. Land mines killed or wounded more than 700 persons.

Government efforts to bring senior Khmer Rouge leaders to justice for genocide and war crimes committed from 1975 through 1979 were ongoing underway at year's end.

Prison conditions improved in some locations and there was increased resolution of land disputes during the year. The Government took disciplinary action against corrupt judges and prosecutors.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—The military forces and police committed several extrajudicial killings that were nonpolitical in nature. Mob violence also resulted in several killings during the year. The U.N. Commission on Human Rights (UNCHR) reported that there was at least one killing by a local government official that was at least in part politically motivated.

In May in Kratie province at least three persons were killed by soldiers after attending a gathering at a military base; they were found dead in shallow graves, blindfolded and with their hands tied behind their backs. Domestic human rights groups alleged that the victims were disgruntled former soldiers or part of an antigovernment group, the Khmer Serei (Free Khmer), who had been deceived into surrendering to government forces. The Government claimed that the victims were bandits, but did not arrest any suspects in connection with the killings by year's end.

Police or military forces acquiesced in or failed to prevent mob violence against suspected criminals, which resulted in killings. On July 21, an angry mob beat Song Veasna to death after he was arrested in Phnom Penh for stealing a motorcycle. The mob then poured gasoline over his body and set it on fire. At least one policeman

was injured trying to stop the mob, but the Government took no action to arrest the perpetrators. On August 19, Rin Bros, an alleged serial rapist had his genitals cut off and was beaten to death after an angry mob overpowered police and forcibly removed him from police custody in Battambang province. The Government took no action to arrest the perpetrators.

There was one report of ethnically motivated killings in April, when ethnic Vietnamese fisherman killed three government officials (see Section 5).

On June 3, Pak Choeun and his wife, Doung Meas, were killed while staying in a shelter at their rice field in Kampot province. The FUNCINPEC party had recently nominated Pak Choeun as a candidate for the upcoming commune elections. After investigation, the Government arrested the chief of the local commune, who subsequently confessed to planning the crimes in part because of the political competition the victim would bring in the commune election.

On November 24, a violent attack occurred against several government installations during which at least four persons were killed and over 1 dozen were injured (see Section 1.d.). The Cambodian Freedom Fighters (CFF), an antigovernment insurgency group, claimed responsibility for the attack. The Government subsequently arrested several persons with alleged ties to the CFF. At year's end, the Government's investigation into the CFF organization continued.

The Government has not prosecuted most of those responsible for the numerous political or extrajudicial killings committed during the term of the previous government (from 1993 to 1998), and reported by the UNCHR in 1997 and 1998.

Through November 747 civilians and military personnel were killed or wounded by land mines deployed by the Khmer Rouge or various government forces during previous conflicts. The number of such casualties declined by approximately 22 percent from 1999.

Former Khmer Rouge officials Ta Mok and Kiang Kek Iev ("Duch"), accused of mass killings and other crimes, remained in jail. Government efforts continued to bring these and other senior Khmer Rouge officials to justice for their alleged crimes committed from 1975 through 1979 (see Section 1.e.).

In October the appeal of a life sentence meted out in 1999 to Nuon Paet, a former Khmer Rouge commander, for his role in the 1994 train ambush in Kampot province that resulted in the deaths of 3 foreigners and at least 13 citizens was denied, and he remains in custody. In January Chhouk Rin, another former Khmer Rouge commander allegedly involved in the ambush, was arrested, but he was acquitted after trial in July based on an amnesty provision in the law under which he was charged. Sam Bith, an RCAF officer also charged for his role in the ambush, had not been arrested by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances. One local human rights nongovernmental organization (NGO) reported that the whereabouts of five persons were unknown following their detention during the year by local police or security officials in several provinces. By year's end, all remained missing, and government and NGO efforts to establish their whereabouts continued.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and physical abuse of prisoners; however, torture, beatings, and other forms of physical mistreatment of persons held in police or military custody continued to be a serious problem. The problem is compounded further by a climate of impunity, whereby perpetrators of torture and abuse frequently are protected from prosecution or disciplinary action by local government authorities, despite some central government efforts to curtail or eliminate violations of prisoners' rights and to address problems of accountability.

There were credible reports that military and police officials used physical and psychological torture and severely beat criminal detainees, particularly during interrogation.

According to the UNCHR, the municipal police in Phnom Penh beat or tortured persons routinely, although less frequently than during previous years. Dozens of detainees interviewed in several provinces reported regular beatings in police custody. One domestic human rights NGO received 24 formal complaints of torture and recorded 118 other cases of new physical assaults through year's end. There were no known reports of mistreatment at the Youth Rehabilitation Center during the year.

There were credible reports that local authorities harassed members of the opposition party (see Section 2.b.). Police also injured two workers in labor demonstrations (see Section 6.a.).

Prison conditions remained harsh, and government efforts to improve prison conditions and implement new regulations were hampered by lack of funds and weak enforcement. However, conditions continued to improve due to construction and renovation of some prison buildings, the timely disbursement of monthly government

allocations for food and operating costs, and the implementation of new prison regulations that require the application of international standards of detention. Human rights organizations cited a number of serious problems, including overcrowding, health problems, food and water shortages, malnutrition, and poor security. Use of shackles and the practice of holding prisoners in small, dark cells continued in some prisons after escape attempts. Government ration allowances for purchasing prisoners' food remain inadequate, exacerbating their malnutrition.

The Government continued to allow international and domestic human rights groups to visit prisons and prisoners and to provide human rights training to prison guards. However, NGO's reported occasional limited cooperation from provincial authorities (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens arbitrarily. A penal code drafted by the U.N. Transitional Authority for Cambodia in 1992 remains in effect, as does the 1993 Criminal Procedure Law. The Criminal Procedure Law provides for adequate protection for criminal suspects; however, in practice the Government sometimes ignored these provisions. One human rights NGO recorded 35 complaints of unlawful detention and arrest by police, military, or local government authorities during the year. In November in the immediate aftermath of an attack by an armed antigovernment insurgent group, the Government detained dozens of persons without a warrant; most were released without charge within hours (see Section 1.a.).

Although lengthy detention without charge is illegal, suspects often are held by authorities for long periods before being charged or brought to trial or released. According to an August report by a domestic human rights NGO, at least 28 persons had been detained before trial in excess of the 6-month statutory maximum in Banteay Meanchey province, and some had been in prison up to 17 months. According to the UNCHR, such prolonged detention largely is a result of a growing prison population and the limited capacity of the court system. Accused persons legally are entitled to a lawyer; however, in practice they often have limited access to legal representation. Prisoners are held routinely for several days before gaining access to a lawyer or family members. Although there is a bail system, many prisoners, particularly those without legal representation, often have no opportunity to seek release on bail.

There are no political detainees.

The Government does not use forced exile, and no persons were in self-imposed exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the Government does not respect this provision in practice. The courts are subject to influence by the executive, and there is widespread corruption among judges, virtually none of whom receives a living wage.

The court system consists of lower courts, an appeals court, and a Supreme Court. The Constitution also mandates a Constitutional Council, which is empowered to review the Constitutionality of laws, and a Supreme Council of Magistracy, which appoints, oversees, and disciplines judges. The composition of both of these bodies is viewed widely as biased toward the CPP, resulting in complaints by other political parties of its institutional dominance. There is a separate military court system.

Trials are public. Defendants have the right to be present and to consult with an attorney, to confront and question witnesses against them, and to present witnesses and evidence on their own behalf. However, trials typically are perfunctory, and extensive cross-examination usually does not take place. The serious shortage of attorneys—especially outside Phnom Penh—remains a significant impediment to broader implementation of the right to counsel in practice. Persons without the means to secure defense counsel often are effectively denied the right to a fair trial. The introduction in 1998 into the legal system of newly trained lawyers, who often received supplemental training by NGO's, continued to result in significant improvements for those defendants provided with counsel, including a reduced pretrial detention period and improved access to bail.

Defendants also are entitled by law to the presumption of innocence and the right of appeal. However, because of pervasive corruption, defendants often are expected to bribe the judge for a favorable verdict, thereby effectively eliminating the presumption of innocence. Citizens' rights to appeal sometimes are limited by the logistical difficulties in transferring prisoners from provincial prisons to the appeals court. Many appeals thus are heard in the absence of the defendant.

A serious lack of resources and poor training contribute to corruption and inefficiency in the judicial branch, and in practice the Government does not ensure due process. For example, judges often have no legal training and often lack copies of the laws upon which they are expected to rule. As a result of these weaknesses, citi-

zens often effectively were denied a fair trial in jurisdictions without regular access to defense lawyers or international judicial assistance programs. In April, citing deficiencies in the judicial system, the King signed a royal decree that established a judicial reform council to develop and implement judicial reform measures. In the first action of its kind, the Supreme Council of Magistracy investigated a number of complaints against court officials and took disciplinary action against five judges and one prosecutor during the year.

The courts often pressure victims of crimes to accept small cash settlements from the accused instead of seeking prosecution. When a case does make its way to court, a judge sometimes determines the verdict before the case is heard, often on the basis of a bribe paid by the accuser or the defendant. Sworn, written statements from witnesses and the accused usually are the extent of evidence presented in trials. Such statements by the accused sometimes are coerced through beatings or threats from investigation officials, and illiterate defendants often are not informed of the content of written confessions that they are forced to sign. In cases involving military personnel, military officers often exert pressure on judges to have the defendant released without a trial.

Legislation enacted in August 1999 removed official immunity for crimes committed by government authorities and has resulted in some successful prosecutions of police and military officials for their crimes. Nevertheless, court delays or corrupt practices often allow those accused of crimes to flee or otherwise escape prosecution, effectively leading to impunity for some government officials who commit crimes. The courts prosecuted some members of the security forces for human rights abuses, but immunity for those who commit human rights abuses remains a problem. Both national and local government officials generally continued to lack the political will and financial resources to act effectively against military or security officials suspected of being responsible for human rights abuses.

There is ongoing cooperation between the Government, foreign government donors, and NGO's to improve the legal system, although some assistance programs in this area suspended in 1997 have not resumed.

The military court system suffers from deficiencies similar to those of the civilian court system. Moreover, the legal distinction between the military and civil courts often is ignored in practice; several persons arrested for crimes that appear to have no connection with military offenses have been detained for trial by the military court.

The Government and the United Nations continued working during the year to create a special tribunal to achieve credible justice and determine accountability for crimes committed during the Khmer Rouge regime in a fashion consistent with the Constitution and international standards of justice. After a series of negotiations and diplomatic initiatives, the Government and the U.N. reached agreement in principle in July on a legal and judicial framework to bring senior Khmer Rouge leaders to justice. The Government thereafter revised pending legislation creating the tribunal and completed consultations with the National Assembly's legislative commission in November. The draft law awaited National Assembly action and the King's signature at year's end. Ta Mok and Kiang Kek Iev ("Duch"), former officials of the Khmer Rouge regime, remained in legal pretrial detention at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution contains provisions protecting the privacy of residence and correspondence and includes a provision against illegal search; however, the police routinely conducted warrantless searches and seizures. There were no reports that the Government monitored private electronic communications.

Citizens generally were free to live where they wished; however, there were continued reports of land disputes between residents, local authorities, business persons, and military officials, although their frequency decreased substantially from the previous year. Since the forced collectivization during Khmer Rouge rule and the return of thousands of refugees, land ownership is often unclear, and adequate land titles do not exist. Moreover, with the end of the Khmer Rouge insurgency, the rush to gain possession of former Khmer Rouge lands on or near potentially lucrative crossborder trade routes exacerbated the land ownership problem caused by lack of documentation.

In response to the prevalence of land disputes, several provinces created land-dispute settlement committees chaired by one of the deputy provincial governors; representatives of local NGO's and the military forces frequently attended committee meetings. These committees successfully resolved numerous land disputes during the year although some encountered occasional difficulties in resolving disputes involving military officials. The Government drafted a land law with the help of inter-

national organizations and NGO's; however, at year's end, it had not been passed by the National Assembly.

In January the Banteay Meanchey provincial court unsuccessfully attempted to mediate a land dispute that had arisen in 1999 after local military officials and other persons claimed legal title to land in the town of Poipet on the border with Thailand. After some of the 800 resident families refused offers of compensation, and refused to remove their houses, the court ordered their eviction, and local security forces occupied the land and destroyed the houses. More than half were relocated to a nearby village; however, others continued to protest their eviction in a makeshift camp near the National Assembly in Phnom Penh at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, press, and publication, and the Government generally respects these rights in practice; however, there continued to be some problems. The Constitution implicitly limits free speech by requiring that speech not adversely affect public security. The Constitution also declares that the King is "inviolable." The Press Law provides journalists with a number of rights, including a prohibition on prepublication censorship and protection from imprisonment for expressing opinion. However, the Press Law also includes a vaguely worded prohibition on publishing articles that affect national security and political stability. There were no reports that journalists practiced self-censorship. There were a large number of news items critical of the Government and included frequent vituperative personalized criticism of the Prime Minister, the President of the National Assembly, and other senior officials.

Although limited in circulation, newspapers are a primary source of news and expression of political opinion. All major political parties have reasonable and regular access to the print media. The press remained somewhat partisan, but the only major newspapers that received substantial financial support from a political party were a few opposition newspapers. The number of Khmer-language newspapers remained roughly the same as the previous year. There are approximately 16 Khmerlanguage newspapers published regularly. Of these, 11 are considered to be progovernment journals, 4 are considered to support the opposition Sam Rainsy Party (SRP), and one is considered to be antimonarchy. In addition there is one Frenchlanguage daily, one Englishlanguage daily, and two other English newspapers published regularly. Many of the Khmerlanguage newspapers frequently publish articles translated from the English-language newspapers.

Most newspapers criticize the Government frequently, and Prime Minister Hun Sen and National Assembly President Prince Ranariddh frequently came under strong attack by opposition newspapers. There were instances of government intimidation or retribution against newspapers for reporting critical of the Government. In February the Ministry of Information warned two opposition newspapers, the Voice of Khmer Youth and the Khmer Conscience, that they would be suspended for publishing articles critical of the King and for inciting hatred against ethnic Vietnamese. In both cases, the newspapers avoided suspension after the editors published apologies consistent with the requirements of the Press Law. In April the Government suspended a weekly newspaper, Cambodia News Bulletin, for 30 days due to its "systematic defamation" in publishing a series of articles critical of government corruption and mismanagement. In July the same newspaper was suspended for republishing an article first published in the South China Morning Post (SCMP), a Hong Kong SAR (Peoples' Republic of China) newspaper. The article erroneously reported that a possible successor to the throne was not the King's own son. The SCMP editor later apologized and corrected the error. In October the Government suspended a newspaper, Bakorng, for 30 days due to its publication of an article critical of the royal family and impugning the King's intelligence.

In May the Government confiscated issues of the country's first pornographic magazine, Angkor Thom Sophakmogkol (Big Angkor Happiness), and declared it an indecent publication.

In November the Ministry of Information approved a subdecree that specified professional requirements for new newspaper and magazine publishers, and introduced a mandatory licensing system requiring newspapers to renew their licenses annually and magazines to renew their licenses every 2 years. The subdecree was criticized by some journalists as a potential limitation on press freedom and as an invitation to self-censorship; by year's end, however, there were no reports that the subdecree was implemented inappropriately.

The Government, the military forces, and political parties continued to dominate the broadcast media. The governmentsponsored television network broadcast live telecasts of National Assembly sessions at the initiative of Prince Ranariddh, the National Assembly president. According to a report by the UNCHR, the procedures

for licensing and allocation of radio and television frequencies to the media were not impartial.

In March the Government banned the radio broadcast of the playing of three songs that it claimed degraded women. In April the Government announced a ban on television programs that featured what it claimed were provocatively dressed women; however, no licenses were affected by the announcement by year's end.

National radio and television stations regularly broadcast some human rights, social action, public health, and civil society programming produced by domestic NGO's.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice. Numerous groups assembled peacefully, including workers protesting labor conditions or wages, political opposition activists supporting a tribunal for former senior leaders of the Khmer Rouge regime or criticizing flood relief efforts, students protesting border encroachments, prison guards rallying to demand higher wages, moto-taxi drivers protesting high gasoline prices, and various groups protesting land seizures, all without incident. On occasion, counterdemonstrations by other citizens who supported the Government disrupted the protests and sometimes resulted in scuffles that caused minor injuries to some participants.

In June the national Government stated that local officials were responsible for the resolution of land disputes, effectively ending nearly all land-dispute protests at the National Assembly.

The Government requires a permit to be obtained in advance of a march or demonstration. The Government often did not issue a requested permit, or took no action on a permit application; however, these actions had no practical effect since most such assemblies were held anyway. There were no incidents in which security forces disrupted or ended marches or demonstrations.

In May disaffected members of the SRP and local police destroyed a memorial structure that the SRP had erected illegally in front of the National Assembly. In August, following diplomatic intervention, the structure was reestablished at an alternate site.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. By year's end, the National Assembly had not debated or acted on a revised draft NGO law, which retained some registration and reporting requirements for domestic NGO's and associations but eliminated many provisions from earlier drafts that were previously opposed by the NGO community.

The Government does not coerce or forbid membership in political organizations.

There were some reports of local government interference with offices of the Sam Rainsy Party (SRP), and a group of disaffected members of the opposition SRP caused minor damage to the home of SRP leader Sam Rainsy's in April.

The UNCHR and domestic human rights organizations reported that generally members of the SRP conducted their activities freely and without government interference throughout the country; however, there were some cases in which members of the SRP complained of being harassed by local officials. In March charges were dismissed against two persons with ties to the SRP arrested for their roles in the 1998 rocket attack against the Prime Minister's motorcade, and they were released from custody. A third suspect, Sok Yoeun, fled the country in 1999 and remained in prison in Thailand pending extradition.

Membership in the Khmer Rouge, which previously conducted an armed insurgency against the Government, is illegal.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Constitution also prohibits discrimination based on religion, and minority religions experience little or no official discrimination. Buddhism is the state religion and over 95 percent of the population is Buddhist. Most of the remainder is made up of ethnic Cham Muslims, who generally are well integrated into society.

The law requires all religious groups, including Buddhists, to submit applications to the Ministry of Cults and Religious Affairs in order to construct places of worship and to conduct religious activities. Religious groups have not encountered significant difficulties in obtaining approvals for construction of places of worship, but some Muslim and Christian groups report delays by some local officials in acknowledging that official permission has been granted to conduct religious meetings in homes. Such religious meetings generally take place unimpeded despite delay or inaction at the local level, and no significant constraints on religious assembly have been reported.

Foreign missionary groups generally operate freely throughout the country and have not encountered significant difficulties in performing their work. However,

there reportedly are some constraints on evangelizing by Christians at the local level especially in areas of new Christian religious activity but these generally are resolved satisfactorily by intervention with provincial or central government authorities. Government officials have expressed appreciation for the work of many foreign religious groups in providing much needed assistance in education, rural development, and training. At the same time, government officials also have expressed some concern about foreign groups using the guise of religion to become involved in illegal or political affairs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government does not restrict domestic or international travel, although the presence of land mines and bandits makes travel in some areas of the country dangerous.

Monks may move internally without restriction.

All refugee camps at the border with Thailand were closed during 1999 after all Cambodian refugees returned. There were no reports of refugees being forced by Thai authorities to return to Cambodia involuntarily, according to the U.N. High Commissioner for Refugees (UNHCR), nor were there any reports of persecution or discrimination against those who returned from any country. Internally displaced persons also were allowed to resettle in other areas of the country.

The Government allows noncitizens to apply to the UNHCR for refugee status. The Government continued to cooperate with the UNHCR and other humanitarian organizations to prepare for and assist in the resettlement of the refugees who returned from Thailand. The resettlement process largely was completed during the year, and UNHCR closed its provincial offices. The Government has not formulated a policy regarding asylees or first asylum, and it did not provide asylum during the year.

There were no reports that the Government forced persons to return to a country where they feared persecution. However, the Government deported to Vietnam some Vietnamese citizens who were arrested for planning armed attacks against the government of Vietnam.

Section 3. Respect for Political Rights: The Right of Citizens

to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and most citizens exercised this right by participating in the 1998 national elections. Suffrage is universal and voluntary for all citizens at the age of 18. In July 1998, in the first national elections since 1993, the CPP won a plurality of votes. However, the electoral campaign and its aftermath were marred by protests, voter intimidation, and partisan violence, some of it government-directed. Despite such incidents, the formation of the new Government reflected the will of the electorate. Most international and observer groups certified the election as acceptable.

The coalition Government formed in late 1998 between the CPP and FUNCINPEC, the two parties that won the largest number of votes and National Assembly seats in the 1998 election, renewed political stability. The coalition agreement provided for roughly equal power sharing between the parties, with Hun Sen of the CPP as Prime Minister and Prince Ranariddh of FUNCINPEC as president of the National Assembly. The coalition agreement also provided for the creation of a Senate, which was formed in March 1999 with Chea Sim of the CPP as president. The Senate's function is to review and provide advice on the laws passed by the National Assembly; the National Assembly retains final authority over whether to modify legislation based on the Senate's recommendations.

Although growing in influence, the legislature remained weak in comparison with the executive branch. The coalition Government appointed the provincial governors and their deputies, who generally are divided between the CPP and FUNCINPEC parties, as well as district officials. Commune-level officials were appointed by the previous government; most of these officials are appointees from the previous regimes, the People's Republic of Kampuchea and the State of Cambodia. Elections for new commune councils were not held during the year as planned, but are expected to be held in early 2002. The Government completed drafts of the communal election law and commune administration law during the year, but the National Assembly had not debated and enacted the laws by year's end; the election law requires a preparatory period of at least 11 months between passage of the law and the date of the commune election.

Traditional cultural practices inhibit the role of women in government, and women are underrepresented in government and politics. However, women took an active part in the 1998 national election. There are 10 women among the 122 members of the National Assembly, 8 women among the 61 members of the Senate, and 3 female state secretaries in the Cabinet, which includes a Ministry of Women's and

Veterans affairs. There are several members of ethnic and religious minorities in the Cabinet and the National Assembly (see Section 5).

Section 4. Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of Human Rights

The large domestic and international human rights community remained active and engaged in diverse activities. Numerous human rights organizations and the UNCHR conducted monitoring activities and human rights training for provincial officials, military officers, villagers, the legal community, and other groups. These organizations operated relatively freely throughout the country. There are approximately 40 NGO's involved in human rights activities, but only a small portion were involved actively in organizing training programs or investigating abuses. The Government generally cooperated with human rights workers in performing their investigations, but some domestic NGO's reported occasional limited cooperation from some provincial authorities in conducting inspections of prison conditions.

In April, following widespread media criticism that a local human rights NGO was harboring illegal workers from Vietnam, the Government stated that the NGO should be held responsible for the subsequent disappearance of the illegal workers. One staff member of the NGO was detained briefly and questioned by police, but the Government took no official action against the NGO or its members (see Section 5).

In September 1999, the Government and the UNCHR agreed to an extension until March 2002 of the UNCHR's activities in the country, although a formal memorandum of understanding had not been signed by year's end. The UNCHR maintains a head office in Phnom Penh and has six provincial offices. The position of the U.N. Special Representative for Human Rights was vacant much of the year; the newly appointed representative made his first trip to the country in November and met with government representatives at all levels, as well as with representatives of political parties and NGO's.

The government-established Cambodian Human Rights Committee in 1999 published the results of only a few of its investigations of the human rights abuses that had been reported by the UNCHR in previous years. The committee, which was established in 1998, also is charged with improving the administration of justice and drafting a law to establish an independent permanent national human rights commission. By year's end, the commission had not been established.

Section 5. Discrimination Based on Race, Sex, Religion,

Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, color, language, religious beliefs, or political views. Although the Government does not engage in discrimination systematically, it sometimes fails to protect these rights in practice.

Women.—Domestic and international NGO workers report that violence against women, including rape and domestic violence, is common. Although accurate statistics are not available, one local NGO reported 138 incidents of rape and domestic abuse through October. Authorities normally decline to become involved in domestic disputes, and the victims frequently are reluctant to complain. Rape is unlawful, as is assault. Spousal rape and domestic abuse are not recognized as separate crimes.

Prostitution and trafficking in women are serious problems (see Sections 6.c. and 6.f.). Due in part to budgetary limitations, the Government has not enforced effectively a 1996 law against prostitution and trafficking in women although the Government devoted greater attention to the problem during the past year and initiated several prosecutions. Despite sporadic government crackdowns on brothel operators in Phnom Penh, prostitution continues to flourish. A survey by a local human rights NGO found that 40 percent of women and girls who work as prostitutes do so voluntarily, while 60 percent have been forced to work as prostitutes or have been deceived into prostitution. The NGO also estimated that there are up to 55,000 sex workers in the country. At year's end, the Government had begun preparation of legislation to decriminalize and regulate prostitution as part of a package of legal measures designed to address the problem of sexual trafficking of women and children (see Section 6.f.).

On March 29, a Poipet brothel owner was sentenced to 12 years in prison for the 1998 beating death of a prostitute; this was regarded widely as the first successful prosecution of a crime against a sex worker.

The Constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice women have equal property rights with men, have the same status in bringing divorce proceedings, and have equal access to education and some jobs. However, cultural tra-

ditions continue to limit the ability of women to reach senior positions in business and other areas.

According to NGO reports, women comprise 52 percent of the population, 60 percent of agricultural workers, 85 percent of the business work force, 70 percent of the industrial work force, and 60 percent of all service sector workers. Women often are concentrated in lowpaying jobs in these sectors and largely are excluded from management positions.

There are a large number of active women's NGO's that train poor women and widows and address social problems such as spousal abuse, prostitution, and trafficking. An active women's media center NGO produces and broadcasts programming on women's issues. NGO's provide shelters for women in crisis.

Children.—The Constitution provides for children's rights, and ensuring the welfare of children is a specific goal in the Government's political program. The Government relies on international aid to fund most social welfare programs targeted at children, resulting in only a modest flow of funds to ameliorate problems that affect children.

Children are affected adversely by an inadequate educational system. Education is free and compulsory through grade 9; however, many children leave school to help their families in subsistence agriculture. Despite an extensive government school construction program, schools are overcrowded and lack sufficient equipment. Less than 5 percent of primary school teachers have completed high school. The Government does not deny girls equal access to education but in practice families with limited resources often give priority to educating boys.

Children frequently suffer from malnutrition and the inadequacy of the health care system. Infant mortality was reported most recently at 89.4 per thousand, and 12 percent of children do not live to the age of 5 years. Child mortality from preventable diseases is high.

Child abuse is believed to be common, although there are no statistics available on the extent of the problem. Poverty and domestic violence often drive children to live on the streets; domestic NGO's estimate there are more than 10,000 street children in Phnom Penh alone, who are easy targets for sexual abuse and exploitation.

Although sexual intercourse with a minor under the age of 15 is illegal, child prostitution and trafficking in children were common (see Sections 6.c. and 6.f.). In July 1999, the Government adopted a 5-year plan against child sexual exploitation that emphasizes prevention through information and protection through law enforcement. To combat sex tourism, the Government during the year prosecuted at least three cases in which foreigners were charged with pornography violations or pedophilia.

People with Disabilities.—The Government does not require that buildings or government services be accessible to the disabled. According to the Government, approximately 1 in 250 citizens is missing at least one limb. This statistic reflects the continuing effects of land mine detonations. Programs administered by various NGO's have brought about substantial improvements in the treatment and rehabilitation of amputees. However, amputees face considerable societal discrimination, particularly in obtaining skilled employment.

Religious Minorities.—Muslims are the largest religious minority and experience little or no discrimination in practice; however, occasional tensions were reported in past years among the various branches of Islam; these groups receive monetary support from groups in Saudi Arabia, Kuwait, Malaysia, or Indonesia depending on the tenets of the particular branch.

The small Christian community has not experienced serious or systematic discrimination; however, occasional tensions were reported when Christian evangelists attempted to remove Buddhist images or religious items in private homes. Christian missionary groups have not encountered significant difficulties in performing their work.

National/Racial/Ethnic Minorities.—Citizens of Chinese and Vietnamese ethnicity long have constituted the largest ethnic minorities. Ethnic Chinese citizens are well accepted in society. However, fear and animosity continue among many Khmer citizens toward ethnic Vietnamese, who are seen as a threat to the Cambodian nation and culture. The rights of minorities under the 1996 nationality law are not explicit; constitutional protections are extended only to "Khmer people," that is, Cambodians.

Unlike in previous years, there were no reports of ethnic violence supported by opposition politicians, during which ethnic Vietnamese citizens or residents were killed. Nonetheless, political opposition and student groups continued to make strong anti-Vietnamese statements during the year; they complained of political control, border encroachments, and other problems for which they held ethnic Vietnamese persons responsible.

In March a domestic human rights NGO was criticized in the local Khmer press for sheltering, and then release of 34 illegal Vietnamese residents who had been working in a Phnom Penh garment factory (see Section 4).

On March 27, more than 200 demonstrators in Phnom Penh demanded the eviction of 500 ethnic Vietnamese persons living as squatters inside the compound of a Buddhist temple. The demonstration was fueled by the injury of a monk during an earlier rock-throwing clash at the temple; monks from the temple claimed that the Vietnamese squatters insulted Buddhism by conducting prostitution, karaoke, and gambling on the temple premises. In April the squatters left the compound peacefully after the Government arranged for most of them to live on land in nearby Kandal province.

On April 12, a group of over 20 ethnic Vietnamese fisherman killed 3 government fisheries officials in Kandal province and wounded 3 others during a late-night government raid on illegal fishing practices on the Tonle Sap river. The Government subsequently arrested three Vietnamese fisherman for the crimes, and their cases are under prosecution.

On June 28, a hand grenade exploded under a house located in an ethnic Vietnamese area but caused no damage or injuries. Police speculated that the incident could have been the result of a personal dispute or could have been an attempt to frighten the ethnic Vietnamese residents in the area. Unlike in previous years, there were no reports of persons killed or injured in anti-Vietnamese violence.

Section 6. Worker Rights

a. The Right of Association.—The 1997 Labor Law provides workers with the right to form professional organizations of their own choosing, without prior authorization, and all workers are free to join the trade union of their choice; however, the Government's enforcement of these rights was uneven. In the wake of 1999 union complaints regarding the lack of additssionarespsee teleasregionstratio-sces dides durinr ths ye. Membrkehipat

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rarely uses its legal authority to penalize employers who defy its orders. The MOSALVY often advises employees in such situations to sue in court, which labor unions claim is unnecessary, costly, and ineffective.

The Labor Law provides for the right to strike and protects strikers from reprisal. There were 76 strikes during the year, the vast majority of which took place without the 7-day prior notice required by law. The Government allowed all strikes and demonstrations, including widespread garment industry strikes in June, in which demonstrators caused property damage at several locations. Two workers suffered injuries at the hands of the police during violent labor demonstrations during the year, but police intervention generally was minimal and restrained, even in cases in which striking workers caused property damage. There have been several credible reports of workers being dismissed on spurious grounds after organizing or participating in strikes. In some cases, strikers have been pressured by employers to accept compensation and leave their employment.

Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally.

b. The Right to Organize and Bargain Collectively.—The Labor Law provides for the right to organize and bargain collectively; however, the Government's enforcement of these rights was uneven. Wages are set by market forces, except for civil servants, for whom wages are set by the Government.

Since passage of the Labor Law in 1997, there has been confusion over the overlapping roles of labor unions and elected shop stewards. The Labor Law provides unions the right to negotiate with management over wages and working conditions and allows unions to nominate candidates for shop steward positions. However, the law provides shop stewards the right to represent the union to the company director and to sign collective bargaining agreements. Legal ambiguities also exist in the process for unions to nominate shop stewards. In practice most factories elected shop stewards before a union was present in the enterprise; thus, for most of the year, unions had no legally enforceable right to negotiate with management in situations in which there were nonunion shop stewards present in the enterprise. In addition the law specifically protects elected shop stewards from dismissal without permission from the MOSALVY, but grants no such protection to elected union leaders. However, in November the MOSALVY issued a new declaration that gave trade unions roles that are comparable to those of shop stewards and extended protection from dismissal to certain union officers within an enterprise.

Very little collective bargaining takes place. There are only two collective bargaining agreements registered with the Government. In addition to difficulties in defining the bargaining unit, collective bargaining is inhibited by the weak capacity and inexperience of unions.

There are no export processing zones.

c. Prohibition on Forced or Compulsory Labor.—The Labor Law prohibits forced or compulsory labor, including forced labor by children; however, the Government does not enforce its provisions adequately. Involuntary overtime remained widespread. Workers faced fines, dismissal, or loss of premium pay if they refused to work overtime.

Trafficking in women and children for the purpose of forced prostitution is a serious problem (see Sections 5 and 6.f.).

There were no reports of bonded labor during the year.

Conditions in the commercial sex industry indicate both forced labor and the trafficking of persons (see Section 6.f.). Although there are no comprehensive surveys of the country's commercial sex industry, it thrives openly; many commercial sex workers are under the age of 18. An NGO survey in 1995 of prostitution indicated that 31 percent of female prostitutes were between the ages of 12 and 17 years. Up to half the girls involved were sold into prostitution by their families, then forced to work as prostitutes. The International Labor Organization (ILO) reported that many rural families allow their daughters to travel to cities for jobs described as honest and well paid, but which in reality lead to exploitative and slaverylike situations. There have also been reports of children who were kidnaped and forced to work in the illegal sex trade (see Sections 6.b. and 6.f.). Officials of the Government took action in February to rescue underage or trafficked women from prostitution, but do not do so consistently.

The Law on the Exploitation and Sale of Humans establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under the age of 15 (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law establishes 15 years as the minimum age for employment, and 18 as the minimum age for hazardous work. The law permits children between 12 and 15 to engage in "light work" that is not hazardous to their health and that does not affect

school attendance. The Labor Advisory Committee is responsible for defining what constitutes work that is hazardous to the health, safety, and morality of adolescents, as well as consulting with the Ministry to determine which types of employment and working conditions constitute "light work." However, the committee has not yet done so for any industry.

The Ministry is hampered by inadequate resources, staff, and training. Law enforcement agencies have sufficient authority to combat child prostitution, but do not do so in a sustained, consistent manner. Some observers note that existing regulations do not address the problem of child labor in the informal sector adequately.

Children under 15 account for over half the population. About 17 percent of children between the ages of 5 and 17 work. More than half of these are over the age of 14, and 89 percent are engaged in agriculture. Only 4 percent of working children are engaged in industrial work, including brick factories and rubber plantations.

In October a British Broadcasting Corporation television documentary drew great attention to what in fact were exaggerated allegations of widespread child labor in the garment industry. Several employees at one factory claimed to have misrepresented their ages by presenting inaccurate Government-issued documents in order to meet the factory's minimum age standard of 18 years of age. In fact child labor is not prevalent in the industry; however, there are instances of young workers who misrepresent their ages to gain employment in factories, including the garment factories. Most garment factories have policies that set the age of employment above the legal minimum of 15 years. The most serious child labor problems are in the informal sector.

The ILO's IPEC (International Program for the Elimination of Child Labor) reported in 1999 that more than 15 percent of prostitutes were from 9 to 15 years of age, and that 78 percent of these girls were Vietnamese; the remainder were citizens.

With assistance from the ILO, the MOSALVY established a child labor unit to investigate and suppress child labor. In 1997 the Government, in conjunction with the ILO and NGO's, also approved a national action plan on child labor. In 1992 the Government ratified ILO Convention 105 (abolition of child labor) and Convention 138 (minimum age), and the Ministry has disseminated information about its content to employers. The MOSALVY had not defined worst forms of child labor, but the Ministry was preparing a report at year's end on the content of ILO Convention 182 for eventual submission to the National Assembly. It conducted four workshops to educate legislators on the matter. The Government worked with the ILO on a strategy for implementing Convention 182, which would include defining the worst forms of child labor.

e. Acceptable Conditions of Work.—The Labor Law requires the MOSALVY to establish minimum wages based on recommendations by the Labor Advisory Committee. The minimum wage varies regionally. Responding to unprecedented pressure from the labor movement, the Ministry formally exercised its minimum wage authority for the first time in July, when it approved a \$45 per month minimum wage; however, it applied only to the garment and footwear sector. It defines a month as 26 8-hour days, after training. Garment factories almost universally observe the minimum wage, or pay higher wages. There is no minimum wage for any other industry.

Typically, garment workers earn relatively high wages, between \$45 and \$100 per month. However, prevailing monthly wages in the garment sector and many other professions are insufficient to provide a worker and family with a decent standard of living. Civil service salaries also are far below market levels, requiring government officials to secure outside sources of income.

The Labor Law provides for a standard legal workweek of 48 hours, not to exceed 8 hours per day. The law stipulates time-and-one-half for overtime, and double time if overtime occurs at night, on Sunday, or on a holiday. The Government does not enforce these standards effectively. Despite reminders from the Government concerning hours of work, workers in many garment factories complain that overtime is excessive or involuntary, or that they are required to work 7 days per week.

Some factories do not pay the legally mandated premiums for overtime (150 percent) and night or holiday work (200 percent) properly, and there is legal ambiguity over which hours constitute night work. Another common complaint is that management violates the law by paying the overtime rate only for the salary component of workers' pay, leaving piece rates unchanged regardless of the number of hours worked.

Regulations on working hours outside the garment industry very rarely are enforced.

The Labor Law states that the workplace should have health and safety standards adequate to ensure workers' wellbeing. The Government enforces existing

standards inconsistently, in part because it lacks staff, equipment, and training. Labor inspection workers also are paid poorly. Work related injury and health problems are common. Conditions in smallscale factories and cottage industries are generally poor and often do not meet international standards. The Government has issued several instructions on workplace standards, and more detailed regulations await approval by the labor advisory committee before they may be promulgated. Penalties are specified in the Labor Law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers who remove themselves from unsafe working conditions risk loss of employment.

f. Trafficking in Persons.—The 1996 Law on the Exploitation and Sale of Humans establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under the age of 15; however, the Government does not enforce the law effectively due in part to budget limitations and a lack of implementing regulations. The country is a source, destination, and transit country for the trafficking in persons.

Trafficking in women and children for the purpose of forced prostitution remained a serious problem. Although prosecutions of traffickers increased, and the Government devoted greater attention to trafficking during the year, prosecution of traffickers has been rare.

Surveys conducted by domestic NGO's in 1995 indicated that from 40 to 50 percent of young women who were trafficked were victimized by a close relative or friend of the family for money or on promises of a better life. Poverty and ignorance in villages is a major factor in contributing to the trafficking problem. One international NGO estimated that 30,000 Cambodian women were trafficked to neighboring countries.

The ILO's IPEC (International Program for the Elimination of Child Labor) reported in 1999 that more than 15 percent of prostitutes were from 9 to 15 years of age, and that 78 percent of these girls were Vietnamese; the remainder were Cambodians.

On August 13, police raided a hotel and freed seven Romanian and Moldovan women who allegedly were trafficked into the country's sex trade. The proprietor of the hotel initially was arrested for illegally detaining the women; however, the court subsequently declined to prosecute and released the suspect.

On August 30, 2 Taiwan residents and 6 Cambodians were arrested for human trafficking after a raid on a Phnom Penh hotel found 20 Cambodian women who police suspected were to be sent to Taiwan as sex workers under the guise of marrying men from Taiwan. There were unconfirmed press reports that women were lured from Cambodia to work in the sex industry in other Asian countries.

In March the Government inaugurated a program jointly administered by the Ministry of Women's Affairs and the International Organization for Migration to train about 2,000 government officials in legal and socio-economic issues related to trafficking and migration problems.

Child prostitution and trafficking in children were common. There were reliable reports that children were lured from or kidnaped in some provinces and forced into the illegal sex trade, both in Cambodia and abroad. Other children were smuggled into Thailand to become beggars.

In July 1999, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information and protection through law enforcement. In September 1999, the Prime Minister instructed the Cabinet to develop additional measures to fight trafficking of women and children, including speedy promulgation of subdecrees and signing bilateral extradition treaties to bring traffickers to justice.

In April the Government and a group of international NGO's announced a program to train police, prosecutors and judges to more effectively enforce the laws protecting children, especially the laws against sexual exploitation of children through trafficking and otherwise. This program was designed as part of the Government's 5-year plan.

The increase in the number of foreign tourists during the year raised concerns of government and NGO officials that the tourist-driven child sex trade also would increase. The Government prosecuted at least three cases during the year in which foreigners were charged with child pornography or indecent acts against minors.

CHINA

The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. At the national and

regional levels, Party members hold almost all top government, police, and military positions. Ultimate authority rests with members of the Politburo. Leaders stress the need to maintain stability and social order and are committed to perpetuating the rule of the CCP and its hierarchy. Citizens lack both the freedom peacefully to express organized opposition to the Party-led political system and the right to change their national leaders or form of Government. Socialism continues to provide the theoretical underpinning of Chinese politics, but Marxist ideology has given way to economic pragmatism in recent years, and economic decentralization has increased the authority of regional officials. The Party's authority rests primarily on the Government's ability to maintain social stability, appeals to nationalism and patriotism, Party control of personnel, media, and the security apparatus, and the continued improvement in the living standards of most of the country's almost 1.3 billion citizens. The Constitution provides for an independent judiciary; however, in practice the Government and the CCP, at both the central and local levels, frequently interfere in the judicial process, and the Party and the Government direct verdicts in many high-profile political cases.

The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army, and the state judicial, procuratorial, and penal systems. Security policy and personnel were responsible for numerous human rights abuses.

The country is making a gradual transition from a centrally planned to a market-based economy. Although state-owned industry remains dominant in key sectors, the Government has privatized many small and medium state-owned enterprises (SOEs) and allowed private entrepreneurs increasing scope for economic activity. The country has large industrial and agricultural sectors and is a leading producer of coal, steel, textiles, and grains. Major exports include electronic goods, toys, apparel, and plastics. Trade and foreign investment are helping to modernize an already rapidly growing economy. The official gross domestic product (GDP) growth rate through the third quarter of the year was just over 8 percent—a decrease from the double-digit growth rates of the early 1990's, but slightly above the 1999 figure. Increased growth during the year was largely the result of foreign trade, continued heavy infrastructure investment, and a small increase in domestic demand.

The economy faces growing problems, including state enterprise reform, unemployment, underemployment, and regional economic disparities. Rural unemployment and underemployment combined are estimated to be over 30 percent. Tens of millions of persons have left their homes in rural areas in search of better jobs and living conditions in the cities; demographers estimate that between 80 and 130 million persons make up this "floating population," with many major cities counting 1 million or more such persons. Urban areas also are coping with millions of state workers idled on partial wages or unemployed as a result of industrial reforms. In the industrial sector, continued downsizing in state-owned enterprises prompted 2 million layoffs in the first half of the year, bringing the total number of jobless urban residents to over 20 million in an urban workforce of about 240 million. The number of job-seeking migrant workers from rural areas adds significantly to this total. Industrial workers throughout the country continued to organize sporadically to protest layoffs and to demand the payment of overdue wages and benefits. However, rising living standards, greater independence for entrepreneurs, and the expansion of the nonstate sector have increased workers' employment options and have markedly reduced state control over citizens' daily lives. In 1999 a constitutional amendment officially recognized the role of the private sector in the economy, and private firms now contribute 30 to 40 percent of yearly GDP growth. The total number of citizens living in absolute poverty continues to decline; estimates range from the official figure of 42 million to the World Bank figure of 150 million. However, the income gap between coastal and interior regions, and between urban and rural areas, is wide and growing. Urban per capita income for 1999 was \$705 (an increase of 8 percent over the previous year), but rural per capita income was \$266 (an increase of only 2 percent over the previous year).

The Government's poor human rights record worsened, and it continued to commit numerous serious abuses. The Government intensified crackdowns on religion and in Tibet, intensified its harsh treatment of political dissent, and suppressed any person or group perceived to threaten the Government. However, despite these efforts, many Chinese had more individual choice, greater access to information, and expanded economic opportunity. Nonetheless by year's end, thousands of unregistered religious institutions either had been either closed or destroyed, hundreds of Falun Gong leaders had been imprisoned, and thousands of Falun Gong practitioners remained in detention or were sentenced to reeducation-through-labor camps or incarcerated in mental institutions. Various sources report that approximately 100 or more Falun Gong practitioners died as a result of torture and mistreatment in cus-

tody. Controls on religious practice and freedom of expression also were intensified in Tibet and remained tight in Xinjiang. Only a handful of political dissidents remained active publicly. The Government's respect for religious freedom deteriorated markedly during the year, as the Government conducted crackdowns against underground Christian groups and Tibetan Buddhists and destroyed many houses of worship. The Government significantly intensified its campaign against the Falun Gong movement, which it accused in October of being a reactionary organization, as well as against "cults" in general. A number of qigong groups were banned. The Government continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms. These abuses stemmed from the authorities' extremely limited tolerance of public dissent aimed at the Government, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms. The Constitution and laws provide for fundamental human rights; however, these protections often are ignored in practice. Abuses included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process. In May the U.N. Committee Against Torture issued a report critical of continuing serious incidents of torture, especially involving national minorities. Prison conditions at most facilities remained harsh. In many cases, particularly in sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process because authorities attach higher priority to maintaining public order and suppressing political opposition than to enforcing legal norms. The Government infringed on citizen's privacy rights. The Government maintained tight restrictions on freedom of speech and of the press and increased its efforts to control the Internet; self-censorship by journalists continued. The Government severely restricted freedom of assembly and continued to restrict freedom of association. The Government continued to restrict freedom of religion and intensified controls on some unregistered churches. The Government continued to restrict freedom of movement. Citizens do not have the right peacefully to change their Government. The Government does not permit independent domestic non-governmental organizations (NGO's) to monitor publicly human rights conditions. Violence against women (including coercive family planning practices—which sometimes include forced abortion and forced sterilization); prostitution; discrimination against women; trafficking in women and children; abuse of children; and discrimination against the disabled and minorities are all problems. Particularly serious human rights abuses persisted in Tibet and Xinjiang. The Government continued to restrict tightly worker rights, and forced labor in prison facilities remained a serious problem. Child labor exists and appears to be a growing problem in rural areas as adult workers leave for better employment opportunities in urban areas. Trafficking in persons is a serious problem.

Since December 1998, the authorities severely punished, on charges of subversion, at least 25 core leaders of the China Democracy Party (CDP). During the year, the crackdown on the China Democratic Party continued with the arrest or sentencing of Liu Shizun, Dai Xuezhong, Zhu Zhengming, Chen Zhonghe, Xiao Shichang, Li Guotao and others. During the year, the Government also used laws against subversion and endangering state security to threaten, arrest and imprison a wide range of political dissidents and activists, including former Government officials, non-governmental organization (NGO) founders and activists, activists for artistic freedom, and independent advocates for legal reform.

Although the Government denies that it holds political or religious prisoners and argues that all those in prison are legitimately serving sentences for crimes under the law, an unknown number of persons, estimated at several thousand, are detained in violation of international human rights instruments for peacefully expressing their political, religious, or social views. Persons detained at times during the year included political activists; leaders of unregistered religious groups; journalists; authors; intellectuals; labor leaders; and members of the Falun Gong movement, among others. Some minority groups, particularly Tibetan Buddhists and Muslim Uighurs, came under increasing pressure as the Government clamped down on dissent and "separatist" activities. In Tibet the Government carried out a severe and wide-ranging crackdown on Tibetan religious practices, which showed some signs of moderation at year's end, and continued its "patriotic education campaign" aimed at controlling the monasteries and expelling supporters of the Dalai Lama. In Xinjiang authorities maintained tight restrictions on fundamental freedoms in an effort to control independence groups.

The authorities released a few political prisoners before their terms were over, notably Liu Wensheng, Chen Lantao, Li Wangyang, Zhang Jingsheng, Yu Zhijian, and Lin Hai. However, at year's end several thousand others—including Bishop An Shuxin, Chen Longde, Han Chunsheng, Li Bifeng, Liu Jingsheng, Qin Yongmin,

Shen Liangqing, Zha Jianguo, Wang Youcai, Pastor Xu Yongze, Fang Jue, Xu Wenli, Yang Qinhe, Zhang Lin, Zhang Shanguang, Zhao Changqing, Zhou Yongjun, Ngawang Choephel, Abbot Chadrel Rinpoche, Jigme Sangpo, and Ngawang Sangrol (see Tibet addendum)—remained imprisoned or under other forms of detention for the peaceful expression of their political, social, or religious views. Some of those who completed their sentences and were released from prison were kept under surveillance and prevented from taking employment or otherwise resuming normal lives. There were also reports of the increasing surveillance of dissidents.

Unapproved religious groups, including Protestant and Catholic groups and members of nontraditional religious groups, continued to experience varying degrees of official interference, repression, and persecution. The Government continued to enforce 1994 State Council regulations requiring all places of religious activity to register with the Government and come under the supervision of official, "patriotic" religious organizations. There were significant differences from region to region, and even locality to locality, in the attitudes of government officials toward religion. In some areas, authorities guided by national policy made strong efforts to control the activities of unapproved Catholic and Protestant churches; religious services were broken up and church leaders or adherents were harassed, and, at times, fined, detained, beaten, and tortured; many houses of worship also were destroyed. In November and December, authorities in and around the coastal city of Wenzhou, Zhejiang Province, razed or confiscated hundreds of churches or places of worship. At year's end, some religious adherents remained in prison because of their religious activities. House church groups in the northeast reported more detentions and arrests than in recent years, and authorities in Henan cracked down on underground Protestant churches. Several Protestant house church groups were banned. In many regions with high concentrations of Catholics, relations between the Government and the underground church loyal to the Vatican remained tense. In other regions, registered and unregistered churches were treated similarly by the authorities and reported little or no day-to-day interference in their activities. The number of religious adherents in many churches, both registered and unregistered, continued to grow at a rapid pace. The situation in Tibet was particularly poor, as the Government intensified and expanded its campaign aimed at lamas, monks, and nuns with sympathies to the Dalai Lama.

The Government strictly regulates the establishment and management of publications, controls the broadcast media, censors foreign television broadcasts, and at times jams radio signals from abroad. During the year, several publications were shut down or disciplined for publishing material deemed objectionable by the Government, and journalists, authors, and researchers were harassed, detained, and arrested by the authorities. Despite the continued expansion of the Internet in the country, the Government increased its efforts to monitor and control content on the Internet. Several new regulations regarding the Internet were issued, and many web sites, including politically sensitive web sites and foreign news web sites, were shut down or blocked by the authorities.

During the year, the Government worked to make progress towards correcting systemic weaknesses in the judicial system and making the system more accountable to public scrutiny. New regulations aimed at making the Supreme People's Court and the Procuratorate and the police more professional and accountable went into effect. Senior officials openly acknowledged abuses such as using torture to extort confessions and admitted that extorting favors from suspects and nepotism remained serious problems. However, new regulations and policies passed in the past few years have not brought the country's criminal procedures into full compliance with international standards, and the law routinely is violated in the cases of political dissidents and religious leaders and adherents. The judiciary is not independent.

Despite intensified suppression of organized dissent, some positive trends continued. Social groups with economic resources at their disposal continued to play an increasing role in community life. As many as 15 million persons had access to the Internet at year's end, although the Government increased its attempts to control the content of material available on the Internet. Most average citizens went about their daily lives without significant interference from the Government, enjoying looser economic controls, increased access to outside sources of information, greater room for individual choice, and more diversity in cultural life. However, the authorities were quick to suppress any person or group, whether religious, political, or social, that they perceived to be a threat to government power or to national stability, and citizens who sought to express openly dissenting political and religious views continued to live in an environment filled with repression.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—The official press reported a number of extrajudicial killings, but no nationwide statistics are available. During the year, deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to be a problem. For example, in Xinjiang Abduhelil Abdumijit was tortured to death in custody, according to foreign press reports. The deaths in custody of Falun Gong practitioners were a significant new development. Various sources report that approximately 100 or more Falun Gong adherents died during the year in police custody; many of their bodies reportedly bore signs of severe beatings or torture, or were cremated before relatives could examine them (see Section 1.c.). For example, in March Zhang Zhenggang was detained by police in Jiangsu and beaten into a coma. Zhang died 5 days later, and family members were not allowed to examine his body prior to cremation. In April Li Huixi, a Falun Gong follower in Shouguang City, Shandong, reportedly was beaten to death by public security officers while in custody. Li's body was cremated without an autopsy before his family was informed of his death. Falun Gong practitioner Li Zaiji died on July 7 while serving a sentence in a reform-through-labor camp in Jinlin. Although the official cause of death was listed as dysentery, family members who examined his body reported numerous wounds and bandages. During the year, several members of underground house churches reportedly also died while in custody, sometimes after being beaten by prison authorities. According to press reports, Liu Haitao was arrested at an underground Protestant church in Henan on September 4 and died in October in the Xiayi County Detention Center after being beaten and denied medical treatment.

According to press reports, in June, more than 2,300 inmates at the Shangrao labor camp staged a protest over forced overtime labor. After prison officials called in over 500 armed police to suppress the strike, a riot occurred. Three persons were killed, and over 70 were injured in the incident (see Section 1.c.).

There continued to be numerous executions carried out after summary trials. Such trials can occur under circumstances where the lack of due process protections borders on extrajudicial killing.

b. Disappearance.—There were no new reports of disappearances. However, the Government still has not provided a comprehensive, credible accounting of those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, police and other elements of the security apparatus employ torture and degrading treatment in dealing with some detainees and prisoners. Senior officials acknowledge that torture and coerced confessions are chronic problems but have not taken sufficient measures to end these practices. Former detainees and the press credibly reported that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse against some detained men and women. During the year, there were numerous credible reports of abuse of Falun Gong practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains). Persons detained pending trial were particularly at risk during pretrial detention due to systemic weaknesses in the legal system or lack of implementation of the revised Criminal Procedure Law. Reports of torture increase during periodic "strike hard" campaigns in which police are encouraged to achieve quick results against crime. According to Amnesty International, during campaigns against prostitution, female migrant laborers may be detained and subjected to rape and abuse in custody.

During the year, deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to be a problem. Human rights monitors reported a number of unconfirmed but credible cases of torture. According to one report, Li Lusong of Lanxian County, Shanxi Province, went to local party officials to complain about the dilapidated facilities at the village primary school. Li was kicked and beaten by the police. He later posted comments critical of corruption. After he posted the comments, local police detained him and used a stun gun and pliers to pull out his tongue and cut it off with a knife. In December 1999, the Peoples' Daily reported that a suspect died in police custody in Anhui Province after refusing to admit to being a thief. Various sources report that approximately 100 or more Falun Gong adherents died during the year while in police custody. Many of their bodies reportedly bore signs of severe beatings or torture, and statements by released Falun Gong detainees regularly attest to mistreatment. Many of the bodies of Falun

Gong practitioners who died in police custody were cremated before relatives could examine them.

The Government has stated that "the Chinese judiciary deals with every complaint of torture promptly after it is filed, and those found guilty are punished according to law." The press has reported that such punishments were carried out. In April the newspaper *Liaoning Daily* reported that several policemen were punished for "extorting confessions with torture and causing fatal consequences." On April 5, the China Prosecutorial Report reported cases of forced confessions in Kunming. On April 16, the newspaper *Legal Daily* reported that the Guizhou Provincial Higher People's Court sentenced one police officer from Zunyi City to death and another to life imprisonment in connection with the killing of murder suspect Xiong Xianlu in 1998; Xiong was tortured to death. Reports such as these created the impression that torture remained a widespread problem. As part of its campaign to address police abuse, the Government in 1998 for the first time published national torture statistics, along with 99 case studies, in a volume entitled "The Law Against Extorting a Confession by Torture." The book, which was published by the Supreme People's Procuratorate, stated that 126 persons had died during police interrogation in 1993 and 115 in 1994. Most cases of torture are believed to go unreported.

Police also beat persons being arrested and persons in detention. Dissident Cai Guihua reported that he was beaten by police while being arrested prior to the June 4 anniversary of the Tiananmen Square massacre (see Section 1.d.). Eyewitnesses have reported frequent abuse of Falun Gong protesters as they were being detained.

In May the U.N. Committee Against Torture issued a report expressing concern about continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities. It recommended that the country incorporate a definition of torture into its domestic law in full compliance with international standards, abolish all forms of administrative detention (including reeducation-through-labor), investigate promptly all allegations of torture, and provide training courses on international human rights standards for police, among other things (see Section 4).

In late 1999, according to credible reports, the Government started confining some Falun Gong adherents to psychiatric hospitals. At year's end, according to Falun Gong, hundreds of practitioners were confined to mental hospitals. Authorities also confined other persons accused of nonviolent political crimes and other offenses to mental hospitals. In mid-December labor activist Cao Maobing was detained and admitted against his will to a psychiatric hospital in Yancheng, Jiangsu Province, where he reportedly also was forced to take medication against his will (see Section 6.a.). In December 1999, authorities in Henan Province committed Xue Jifeng to a mental hospital after he attempted to establish an independent labor union to support workers harmed in a financial fraud. He was held until June (see Section 6.a.). Wang Wanxing, who protested in Tiananmen Square in 1992, continued to be held in a psychiatric hospital on the outskirts of Beijing. Another labor dissident, Wang Miaogen from Shanghai, disappeared in 1999, and some observers believe that he is being held in a psychiatric hospital. During the year, reports began to surface in the press about a woman who was detained by Guangzhou police and sent to a psychiatric hospital in June 1999 because she appeared upset after having had her luggage stolen, and she lacked an identity card. The woman, who was not identified, was raped repeatedly by male inmates at the psychiatric hospital before her husband was able to secure her release approximately 24 hours later. At the couple's insistence, police investigated the rapes, but vital evidence was destroyed prior to the investigation, and only one of the accused had been tried to date (see Section 1.d.). The woman's attempt to win damages was rejected by one court.

There were reports during the year that police sometimes used excessive force to break up demonstrations. In May up to 2,000 unpaid workers reportedly protested at their factory and at local government offices in Liaoyang, Liaoning Province; the demonstration eventually was dispersed violently by the police. Dozens were reported to be injured, and three persons were arrested (see Sections 2.b. and 6.a.). Activist Cai Guihua reportedly was beaten and roughed up by the police on May 31 and June 3.

Conditions in penal institutions for both political prisoners and common criminals generally are harsh and frequently degrading. Conditions in administrative detention facilities (including reeducation-through-labor camps and custody and repatriation centers (see Section 1.d.)) are reportedly similar to those in prisons. Prisoners and detainees often are kept in overcrowded conditions with poor sanitation, and their food is often inadequate and of poor quality. Many detainees reportedly rely on supplemental food and medicines provided by relatives; however, some prominent dissidents reportedly are not allowed to receive supplemental food or medicine from relatives. According to released political prisoners, it is standard practice for polit-

ical prisoners to be segregated from each other and placed with common criminals. There are credible reports that common criminals have beaten political prisoners at the instigation of guards. Guards in custody and repatriation centers reportedly rely on "cell bosses" to maintain order; these individuals frequently beat other detainees and have been known to steal their possessions. However, prominent political prisoners sometimes receive better treatment. The 1994 Prison Law was designed in part to improve treatment of detainees and increase respect for their legal rights. The Government's stated goal is to convert one-half of the nation's prisons and 150 reeducation-through-labor camps into "modernized, civilized" facilities by the year 2010. According to credible sources, persons held in new "model" prisons receive better treatment than those held in other prison facilities. (For prison conditions in Tibet, see Tibet addendum.)

Adequate, timely medical care for prisoners continues to be a serious problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill. Nutritional and health conditions can be grim. At year's end, political prisoners who reportedly had difficulties in obtaining medical treatment, despite repeated appeals on their behalf by their families and the international community, included Xu Wenli, Gao Hongmin, Qin Yongmin, Wang Youcai, Chadel Rinpoche, Chen Lantao (who was released in April), Chen Longde, Chen Meng, Fang Jue, Hu Shigen, Kang Yuchun, Liu Jingsheng, Ngawang Sangdrol, Wang Guoqi, and Zhang Shanguang. Yu Dongyue, who defaced the portrait of Mao Zedong in Tiananmen Square during the 1989 student protests, reportedly is suffering severe mental illness from repeated beatings and mistreatment in a Hunan prison. Zhou Yongjun (the first chair of the Federation of Autonomous Student Unions), is serving a 3-year reeducation-through-labor sentence after returning to China from New York in 1998 and is reportedly suffering from rhinitis and fever. Ngawang Choephel, who is serving an 18-year sentence for espionage, reportedly suffers from liver, lung, and stomach ailments, and possibly tuberculosis. Labor activist Zhang Shanguang, serving a 10-year sentence for disclosing news of labor demonstrations to Radio Free Asia, was not permitted to see family members regularly in spite of suffering from serious tuberculosis. According to credible reports, Fang Jue is in very poor health. Xu Wenli, who tested positive for hepatitis B during a prison hospital examination, was denied treatment for the disease in 1999 despite repeated pleas by his family. He was said to be in poor health in November. Xu also reportedly was in need of dental care. An Fuxing, a China Democracy Party member and veteran of the Tiananmen prodemocracy movement, contracted hepatitis B at Liaoyuan prison and died from the illness in April. Hua Di, a Stanford researcher, whose 15-year prison sentence on charges of providing missile program secrets to persons abroad was overturned in mid-March, was reconvicted on November 23 and sentenced to 10 years in prison. He is suffering from cancer and was denied release on medical parole in April. Prison officials in Xinjiang have not allowed family members of businesswoman and prominent Uighur activist Rebiya Kadeer to visit or to bring her medicine for heart disease since her arrest on August 11, 1999. She is said to be in poor health, suffering from painful feet, blurred vision, and impaired hearing. There are also allegations that she had been abused physically. Officials reportedly have denied repeated requests for her to be hospitalized.

According to one credible report in 1998, there have been instances in which women in reeducation-through-labor camps found to be pregnant while serving sentences were forced to submit to abortions (see Section 1.f.).

Forced labor in prison is common. According to press reports, in June more than 2,300 inmates at the Shangrao labor camp staged a strike to protest against forced overtime for the intensive labor of ore milling. After camp officials called in over 500 armed police to suppress the strike, a riot occurred. Three persons were killed and more than 70 were wounded in the incident (see also Sections 1.a. and 6.c.). Persons may be detained without trial in custody and repatriation centers, in order to "protect urban social order." Until they are repatriated, those detained may be required to pay for the cost of their detention and repatriation by performing forced labor while in detention.

The Government does not permit the independent monitoring of prisons or reeducation-through-labor camps, and prisoners remain largely inaccessible to international human rights organizations. Talks with the International Committee of the Red Cross (ICRC) on an agreement for ICRC access to prisons remain stalled. After a 1-year suspension of unofficial dialog between a prominent businessman and human rights monitor and the Ministry of Justice, the Ministry resumed providing information regarding prisoners in March. The monitor was invited to visit the country 3 times during the year and received information regarding more than 20 prisoners, most of whom had been released prior to the completion of their original sentences. Prison visits with family members and others are monitored closely.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain serious problems. The law permits the authorities in some circumstances to detain persons without arresting or charging them, and persons may be sentenced administratively to up to 3 years in reeducation-through-labor camps and other similar facilities without a trial. Because the Government tightly controls information, it is impossible accurately to determine the total number of persons subjected to new or continued arbitrary arrest or detention. The Government reported in 1999 that prosecutors had censured police officers 70,992 times in 1998 for detentions that exceeded the legal time limit. According to estimates, thousands of persons remain incarcerated, charged with other criminal offenses, detained but not charged, or sentenced to reeducation-through-labor. Although the crime of being a “counterrevolutionary” was removed from the Criminal Code in 1997, by year’s end 2000 as many as 1,000 persons remained in prison for the crime, and another 600 were serving sentences under the State Security Law, which covers the same crimes as the repealed section on “counterrevolution.” Official government statistics report that there are some 230,000 persons in reeducation-through-labor camps. It has been estimated that as many as 1.7 million persons per year were detained in a form of administrative detention known as custody and repatriation before 1996; the number of persons subject to this form of detention reportedly has been growing since that time (see Section 1.c.).

Wang Wanxing, who protested in Tiananmen Square in 1992, continued to be held in a psychiatric hospital on the outskirts of Beijing (see Section 1.c.). In mid-December, labor activist Cao Maobing was detained and admitted against his will to a psychiatric hospital in Yancheng, Jiangsu Province, where he reportedly also was forced to take medication against his will (see Section 6.a.); he remained in the facility at year’s end. According to reliable reports, the Government confined hundreds of Falun Gong adherents to psychiatric hospitals.

The Criminal Procedure Law, which was amended in 1997, abolished an often criticized form of pretrial detention known as “shelter and investigation” that allowed police to detain suspects for extended periods without charge. Nonetheless in some cases police still can detain unilaterally a person for up to 37 days before releasing him or formally placing him under arrest. Once a suspect is arrested, the revised law allows police and prosecutors to detain him for months before trial while a case is being “further investigated.” Under the revised Criminal Procedure Law, detained criminal suspects, defendants, their legal representatives, and close relatives are entitled to apply for a guarantor to enable the suspect or defendant to await trial out of custody. In practice the police, who have sole discretion in such cases, usually do not agree. Few suspects are released on bail or put in another non-custodial detention pending trial.

The Criminal Procedure Law stipulates that authorities must notify a detainee’s family or work unit of his detention within 24 hours. However, in practice timely notification remains a serious problem, especially in sensitive political cases. Under a sweeping exception, officials need not provide notification if it would “hinder the investigation” of a case. In January 1999, Che Hongnian, who had been held incommunicado for nearly 3 months, was sentenced to 3 years of labor in Shandong Province, apparently for writing a letter asking how to contact a human rights organization in Hong Kong. His appeal was denied 2 months later. Police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret (see Section 1.e.).

A major flaw of the new Criminal Procedure Law is that it does not address the reeducation-through-labor system, which permits authorities to sentence detainees administratively without trial to terms of 1 to 3 years in labor camps. Local Labor Reeducation Committees, which determine the term of detention, may extend an inmate’s sentence for an additional year. According to the latest available official statistics, there were some 230,000 persons in reeducation-through-labor camps in 1997. Defendants legally are entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. Persons can gain a reduction in, or suspension of, their sentences after appeal, but appeals usually are not successful because of problems such as short appeal times and inadequate legal counsel, which weaken the effectiveness of the law in preventing or reversing arbitrary decisions. There have been cases of individuals successfully appealing their reeducation sentences through the courts, although the exact number of successful cases is unknown. Persons sentenced to reeducation-through-labor during the year included activist Yao Zhenxiang.

The new Criminal Procedure Law also does not address custody and repatriation, which allows the authorities to detain persons administratively without trial to “protect urban social order.” Persons who may be detained under this provision include the homeless, the unemployed, petty criminals, and those without permission

to live or work in urban areas; such persons may be returned to the locality in which they are registered. If the location to which they are to be repatriated cannot be determined, or if they cannot be repatriated for financial reasons, such persons may be sent to "resettlement farms." Those unable to work may be sent to "welfare centers." Until they are repatriated, those detained may be held in custody and repatriation centers and may be required to pay for the cost of their detention and repatriation by performing forced labor while in detention. Relatives and friends of detainees in these centers reportedly are often able to secure a detainee's release by paying a fee. Provincial regulations on custody and repatriation in some cases have expanded the categories of persons who may be detained. In Beijing, for example, those who may be detained specifically include the mentally ill and mentally disabled, and "those who should be taken into custody according to Government regulations." Many other persons are detained in similar forms of administrative detention, known as custody and education (for prostitutes and their clients) and custody and training (for minors who have committed crimes). Persons reportedly may be detained for long periods under these provisions, particularly if they cannot afford to pay for their release (see Sections 1.c., 1.d., 1.e., 2.d., 5, 6.c., 6.d., and 6.f.).

By one estimate, more than 1.7 million persons per year are detained under custody and repatriation or similar regulations. According to the NGO Human Rights in China, the reasons for such detentions rarely are made clear to detainees. There are reports that persons with documentation allowing them to live or work in urban areas have been detained illegally under these provisions; but, because they are not entitled to a trial, they have little recourse if the detaining officials cannot be persuaded to allow their release. Some reportedly are forced to confess that they were living and working without permits in the urban area in which they were detained, despite having the appropriate documentation; in some cases, such documentation reportedly is destroyed.

In theory the Administrative Litigation Law of 1989 permits a detainee to challenge the legality of administrative detention, but the lack of timely access to legal counsel inhibits the effective use of this law. Persons serving sentences in the criminal justice system can request release under Article 75 of the Criminal Procedure Law or appeal to the Procuratorate but have no recourse to the courts to challenge the legality or length of criminal detention. There are documented cases in which local officials and business leaders illegally conspired to use detention as a means of exerting pressure in commercial disputes involving foreign businessmen. There also have been cases in which foreign businessmen had their passports confiscated during such disputes.

A campaign initiated by the Government in 1998 to eliminate the China Democracy Party (CDP), a would-be opposition party, broadened and intensified during 1999 and continued throughout the year. This campaign has resulted in the arrest, detention, or confinement of scores of persons. Since December 1998, at least 25 core leaders of the CDP have been sentenced to long prison terms on subversion or other charges. In what some experts have described as an attempt by authorities to tarnish the public image of the democracy movement, during the year Chinese officials accused a number of democracy activists of soliciting prostitutes, distributing pornographic videos, petty theft, or other crimes unrelated to their political activities. On January 3 in Changsha, Tong Shidong, and Liao Shihua were sentenced to 10 and 6 years in prison, respectively, on charges of subversion. Both were members of the CDP; Tong, a professor, was accused of founding a branch of the CDP at Hunan University. In February CDP cofounder Xu Wenli's assistant, Liu Shizun, was sentenced to 6 years for subversion. Also in February, the second highest ranking member of the Shanghai branch of the CDP, Dai Xuezhong (who was arrested in January), was sentenced to 3 years in prison for allegedly hiring three persons to commit an assault with a knife. During the trial, Dai was not allowed to testify in his own defense. In August Dai's brother was sentenced to 3 years' reeducation-through-labor after he publicly protested Dai Xuezhong's sentence. In April a court in Hangzhou sentenced CDP activist Zhu Zhengming to 10 years in prison for subver-

dissidents, activists, and others; some were affiliated with the CDP. Shanghai dissidents Li Guotao, Cai Guihua, Yao Zhenxiang, Fu Shenping, and Dai Xuewu were taken into custody on many occasions throughout the year. Prior to the June 4 anniversary of the Tiananmen Square massacre, Li Guotao was rearrested in Shanghai and charged with spreading reactionary publications, instigating disturbances, and disturbing the social order (apparently in connection with a letter he and others sent to the Mayor of Shanghai, protesting the arrest of dissident Dai Xuewu and requesting his release); on June 28 he was sentenced to 3 years' reeducation-through-labor for demanding the release of CDP members. Dai Xuewu, the brother of imprisoned dissident Dai Xuezhong, also was arrested in Shanghai prior to the June 4 anniversary of the Tiananmen Square massacre and charged with the theft of a cell phone; in August he was sentenced without a trial to 3 years of reeducation-through-labor. Prior to the June 4 anniversary of the 1989 Tiananmen Square massacre, police in some cities also took steps to prevent planned commemorations. In Shanghai police reportedly detained five leading activists from May 31 to June 5, including Cai Guihua, Li Guotao, Dai Xuewu, and Fu Shenping. The police reportedly beat and roughed up Cai Guihua on May 31 and June 3. In Xian police reportedly harassed dissidents planning to commemorate the June 4 anniversary and detained two persons. Press reports stated that police in Beijing also detained three democracy activists and a Protestant activist on June 4. On June 4, graduate student Jiang Xulin reportedly was arrested after putting up a poster on the campus of Beijing University that urged an investigation into the Tiananmen Square massacre and asked that political prisoners be released and victims' families be compensated. Also on June 4, police arrested Shen Zhidao, a supporter of the CDP, in Tiananmen Square while he attempted to commemorate the 1989 Tiananmen Square massacre. He unfurled several banners bearing slogans in the Square prior to being arrested. In August Chinese police in Jiangsu arrested Shen Chang, the leader of a qigong group, and charged him with organizing gatherings aimed at disturbing social order and tax evasion (see Section 2.c.). In September a court in Hebei sentenced the cofounder of the environmental NGO China Development Union, Qi Yanchen, to 4 years in prison for subversion for writing that China would have to introduce political reform in order to avoid widespread social unrest. The article at issue appeared in the prodemocracy e-mail newsletter VIP Reference (see Sections 1.f. and 2.a.). However, in January Song Yongyi, a visiting librarian and academic researcher from Dickinson College, whom authorities detained in August 1999 and charged with "the purchase and illegal provision of intelligence to persons outside China," was released from prison and allowed to return to his home overseas in January (See Section 2.a.).

Other dissidents also were detained, for varying periods, during the year. From January 12 to January 14, police detained and questioned dissident Yao Zhenxiang in Shanghai; he was not charged. According to press reports, on January 23 and 24, police detained Yao and several other dissidents (including Li Guotao, Wang Jianhua, Cai Guihua, and Zhou Qibing) to prevent them from attending another dissident's trial.

In early April, a crackdown on dissidents in Shanghai began. As of early October, authorities imprisoned the following Shanghai dissidents (some more than once before being sentenced to longer terms): Dai Xuezhong (scheduled for release in 2002); Yao Zhenxiang (scheduled for release in 2002); Dai Xuewu (scheduled for release in 2003); and Li Guotao (scheduled for release in 2003).

Police sometimes detained relatives of dissidents (see Section 1.f.).

Persons critical of official corruption or malfeasance also frequently were threatened, detained, or imprisoned. Ma Wenlin, a 58-year-old lawyer in Shaanxi who had organized 5,000 peasants to urge authorities to reduce taxes and to punish village cadres who were guilty of beating villagers, remained in prison on charges of disrupting social order; a court sentenced him to 5 years in prison in November 1999. In March a court sentenced Ma Zhe, a poet and advocate for artistic freedom, to 5 years' imprisonment for attempting to overthrow Communist Party power. In April a court sentenced An Jun, organizer of an independent NGO critical of official corruption, to 4 years' imprisonment for subversion.

Minority activists continued to be targets of the police. In March a court sentenced Uighur businesswoman Rebiya Kadeer to 8 years in prison for passing "state intelligence" information to foreigners. The "state intelligence" she was accused of attempting to pass consisted of newspaper articles published in the official press and a list of individuals whose cases had been handled by judicial organs. Police arrested Kadeer, her son, and her secretary while they were on their way to meet a visiting foreign delegation in August 1999. Authorities administratively sentenced Kadeer's son and secretary to 2- and 3-year terms respectively, in November 1999. In November they denied Kadeer's appeal (see Section 5).

Local authorities used the Government's anticult campaign to detain and arrest large numbers of religious practitioners (see Section 2.c.); house church groups in the northeast reported more detentions and arrests than in recent years. For example, in August police arrested 130 members of a house church in Fangcheng, Henan Province, after they met with 3 foreign members of a Protestant fellowship. According to reports, 85 church members were charged with "using an illegal cult to obstruct justice."

Journalists also were detained or threatened during the year, often for reporting on subjects that met with the Government's or the local authorities' disapproval (see Section 2.a.). In July Zhuhai police arrested five journalists, including two from Hong Kong and two from Macau, who were attempting to report on peasant protests against a land redevelopment scheme. In August local police arrested Ma Xiaoming, a Shaanxi television station reporter who had reported on a case involving 12,000 peasants who brought a lawsuit against their township government. Ma was arrested to prevent him from meeting with a foreign newspaper reporter.

During the year, there were press reports about a woman who was detained by Guangzhou police in June 1999 on the specious grounds of lacking identity documents and sent to a psychiatric hospital, where she was repeatedly raped by male patients before her release about 24 hours later. At her insistence, police investigated the rapes, but vital evidence was destroyed prior to the investigation and only one of the accused had been tried. The woman's attempt to win damages has been rejected by one court (see Section 1.c.).

The State Compensation Law provides a legal basis for citizens to recover damages for illegal detentions. Although many citizens remain unaware of this 1995 law, there is evidence that it is having a growing, if still limited, impact. Throughout the year, the official press published numerous articles to raise public awareness of recent laws meant to enhance the protection of citizens' rights, including the Criminal Procedure Law, the State Compensation Law, the Administrative Procedure Law, and others. Many citizens have used the State Compensation Law during the year to sue for damages.

There were no reports that the Government forcibly exiled citizens; however, the Government continued to refuse reentry to the country to citizens who were dissidents and activists. The Government's refusal to permit some former reeducation-through-labor camp inmates to return to their homes constitutes a form of internal exile (see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution states that the courts shall, in accordance with the law, exercise judicial power independently; however, in practice the judiciary is subject to policy guidance from both the Government and the Communist Party, whose leaders use a variety of means to direct courts on verdicts and sentences in politically sensitive cases. At both the central and local levels, the Government and particularly the CCP frequently interfere in the findings of the judicial system and dictate court decisions. Corruption and conflicts of interest also affect judicial decisionmaking. Judges are appointed by the people's congresses at the corresponding level of the judicial structure, which can result in local politicians exerting undue influence over the judges they appoint. During a 1998 conference at a Beijing university, according to informed sources, one expert estimated that more than 70 percent of commercial cases in lower courts were decided according to the wishes of local officials rather than the law. State-run media have published numerous articles calling for an end to such "local protectionism" and for the development of a judiciary independent of interference by officials.

The Supreme People's Court (SPC) stands at the apex of the court system, followed in descending order by the higher, intermediate, and basic people's courts. There are special courts for handling military, maritime, and railway transport cases.

Corruption and inefficiency in the judicial system are endemic. The Government continued a self-proclaimed "unprecedented internal shakeup" of the judiciary, designed to combat corruption and improve efficiency, which began in 1998. In February the SPC issued new regulations tightening conflict of interest guidelines for judges. Judges who violate prohibitions against accepting money or other gifts from litigants or who privately meet with litigants may be found guilty of malpractice under the new regulations. Other regulations banned former judges from trying cases in their old courtrooms. Likewise the Procuratorate announced 10 new rules designed to minimize corruption in and to foster cost-consciousness among the procuratorates. The Procuratorate also announced it would select candidates for some 7,200 vacancies through a system of national examinations. In August the SPC announced it would open 12 leading prosecutorial posts for competition. In an attempt to reduce pretrial corruption, early in the year Beijing courts set up a new office to handle pretrial procedures previously handled by judges. Under the new

system, parties would have more difficulty influencing judges because they would no longer have advance notice of who the judge in the case would be. The SPC also implemented a self-examination and responsibility system to hold presidents of higher people's courts responsible for the actions of their subordinates. In 1999 authorities sanctioned 10 presidents of higher people's courts for acts of corruption by their subordinates. During the year, 1,450 court employees were punished for misconduct. In 1999, according to the SPC, 15,748 government officials and businesspersons were sentenced for corruption. Two officials at the ministerial level, 65 at the prefecture or department level, and 367 persons holding posts at the county or division level also were sentenced for corruption. The Procurator General told the National People's Congress in March that, although procurator abuses were down 60.2 percent in 1999, 544 procuratorial officials were disciplined, and 55 were convicted on criminal charges.

Corruption among the police also is a problem. One overseas human rights group reported in 1999 that there had been some 9,000 reported cases of mishandling of justice discovered in 1998 and that 1,200 police officers had been charged with criminal offenses. Authorities continued a nationwide crackdown on police corruption and abuses. Government statistics released in 1999 showed that in 1998 corruption prosecutions increased 10 percent, to over 40,000 investigations and 26,000 indictments of officials. In late 1999, National People's Congress (NPC) Standing Committee Chairman Li Peng issued a warning on police corruption. Several high-ranking Party officials also were prosecuted on corruption charges during the year.

The Government also took steps to correct systemic weaknesses in the judicial system and to make it more transparent and accountable to public scrutiny. The law requires that all trials be held in public; however, in practice, many trials are not. In 1999 the Supreme People's Court issued regulations requiring all trials to be open to the public, except for those involving state secrets, personal privacy, or minors; divorce cases in which both parties request a closed trial; and cases involving commercial secrets. Several courts reportedly opened their proceedings to the public. Under the new regulations, "foreigners with valid identification" are to be allowed the same access to trials as citizens. However, requests by at least one foreign mission to send an observer to politically sensitive trials consistently have been ignored by the Government. Moreover none of the numerous trials involving political dissidents were open to the general public. The legal exception for cases involving state secrets, privacy, and minors has been used to keep such proceedings closed to the public and closed even to family members in some sensitive cases (see Section 1.d.).

However, since 1998 many trials have been broadcast, and court proceedings have become a regular television feature. In July courts in Shanghai become the first to publish verdicts on the Internet. According to official statistics, the courts nationwide heard 539,000 criminal cases in 1999, an increase of 12.27 percent over 1998, and sentenced more than 600,000 offenders, up 14.02 percent from 1999. The Supreme People's Court released statistics showing that courts at all levels acquitted 5,878 defendants in 1999 due either to lack of evidence or to a conclusion that the charges filed did not amount to a crime.

The first Lawyers' Law, designed to professionalize the legal profession, took effect in 1996. Subsequently the Ministry of Justice drafted relevant regulations to standardize professional performance, lawyer-client relations, and the administration of lawyers and law firms. The regulations also granted lawyers formal permission to establish law firms, set educational requirements for legal practitioners, encouraged free legal services for the general public, and provided for the disciplining of lawyers. Government officials state that there are insufficient lawyers to meet the country's growing needs. In March 1999 Justice Minister Gao Changli stated that the country had over 110,000 lawyers. According to official reports, there were some 9,000 law offices as of 1999. The Justice Ministry set a target of 150,000 lawyers, 30,000 notaries, and 40,000 grassroots legal service centers by 2000. According to the All-China Lawyers Association, the country fell short of that goal. Notaries have much more power than their counterparts in the West, and Justice Ministry officials announced in September that the country would change its system of notaries within 10 years so that notaries would no longer be Government employees, would have to have a bachelor's degree, and would be required to take 40 hours of professional training each year.

Lawyers are organizing private law firms that are self-regulating and do not have their personnel or budgets determined directly by the State. More than 60 legal aid organizations (many of which handle both criminal and civil cases, including those stemming from disputes over compensation to workers) have been established around the country, and the Ministry of Justice has established a nationwide legal services hot line. Beijing and other city police departments have set up hot lines for citizens to complain about police misconduct. In March Beijing authorities

claimed that their hot line received nearly 120 calls per day. However, neither prosecutors nor judges are required to have law degrees or legal experience, and qualification standards traditionally have been low. Only 9 percent of judges had received higher education, and many are not well versed in the law. During the year, the authorities undertook additional efforts to improve the training and professionalism of judges and lawyers. After July 1, in an effort to distance judges from prosecutors, judges in Beijing shed their military style uniforms, including epaulets and caps, in favor of robes or suits. The National People's Congress also approved separate draft amendments to the 1995 laws on judges and prosecutors in July. One amendment requires judicial or prosecutorial appointees to be law school graduates who have practiced law for at least 2 years, or postgraduates who have practiced law for at least 1 year. Another required heads of courts and procuratorates, members of judicial committees of courts and procuratorates, and heads of judicial panels to have passed relevant examinations.

Police and prosecutorial officials often ignore the due process provisions of the law and of the Constitution. For example, police and prosecutors can subject prisoners to severe psychological pressure to confess, and coerced confessions frequently are introduced as evidence. In March the top prosecutor, Procurator General Han Zhubin, admitted that abuses such as using torture to extort confessions, extorting favors from suspects, and nepotism remained serious problems. In May 1998 he also acknowledged that some prosecutors used interrogation rooms like "prison cells" to hold suspects beyond the legal detention period. In 1999 Han's office received 812,821 complaints; 342,017 were related to prosecutors. The Criminal Procedure Law forbids the use of torture to obtain confessions, but one weakness of the law is that it does not expressly bar the introduction of coerced confessions as evidence. For example, Zhuo Xiaojun is being held in Fuzhou; after a confession extracted under torture and a prolonged trial with many irregularities, he was sentenced to death for two murders committed 10 years ago. Traditionally defendants who failed to show the correct attitude by confessing their crimes received harsher sentences. The conviction rate in criminal cases is over 90 percent, and trials generally are little more than sentencing hearings. In practice criminal defendants only are assigned an attorney once a case has been brought to court; some observers have noted that at this point, it is too late for an attorney to assist a client in a meaningful way, since the verdict often has been decided already. The best that a defense attorney generally can do for a client is to get a sentence mitigated. In most politically sensitive trials, the courts handed down guilty verdicts immediately following proceedings that rarely lasted more than several hours. There is an appeals process, but appeals rarely reverse verdicts.

The revised Criminal Procedure Law was designed to address many of these deficiencies and give defense lawyers a greater ability to argue their clients' cases. It abolishes a form of pretrial detention called "shelter and investigation," puts limits on nonjudicial determinations of guilt, and establishes a more transparent, adversarial trial process. It also provides for earlier and greater access for defendants to legal counsel and the abolition of a regulation that allowed summary trials in certain cases involving the death penalty. The amended law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation. However, police often use loopholes in the law to circumvent a defendant's right to seek counsel, and political activists in particular still have significant problems obtaining competent legal representation of their own choosing. In some cases, defendants and lawyers in politically sensitive cases reportedly have not been allowed to speak during trials. The amended Criminal Procedure law still falls short of international standards in many respects. For example, it has insufficient safeguards against the use of evidence gathered through illegal means such as torture. Its appeals process fails to provide sufficient avenue for review, and there are inadequate remedies for violations of defendants' rights. Despite the abolition of shelter and investigation, in some cases police still unilaterally can detain a person for up to 37 days before releasing him or formally placing him under arrest. Once a suspect is arrested, the revised law allows police and prosecutors to detain him for months before trial while a case is being "further investigated." Few suspects are released on bail pending trial. Also, in "state secrets" cases, the revised Criminal Procedure Law authorizes officials to deny suspects access to a lawyer while their cases are being investigated. The definition of state secrets is broad and vague, and subject to independent interpretation by police, prosecutors, and judges, throughout the different stages in a criminal case. Uncertainty regarding the scope and application of this statute has created concern about a detainee's right to legal assistance.

The new Criminal Procedure Law also does not address certain shortcomings in the legal system. Under the law, there is no right to remain silent, no right against double jeopardy, and no law of evidence. The mechanism that allows defendants to

confront their accusers is inadequate; according to one expert, only 1 percent to 5 percent of trials involve witnesses.

While the new Criminal Procedure Law represents some improvement over past practice, despite its flaws, anecdotal evidence indicates that its implementation remains uneven and far from complete, especially in politically sensitive cases. Differing interpretations of the law taken by different judicial and police departments have contributed to contradictory and incomplete implementation. The Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, the Ministry of Justice, and the Legal Work Committee of the National People's Congress in 1998 issued supplementary implementing regulations to address some of these weaknesses. During the year, the Government continued its efforts to educate lawyers, judges, prosecutors, and especially the public on the provisions of this and other new laws. In 1999 the Ministry of Justice announced that 500,000 ministry officials would undergo training over the next 3 years as part of "a massive effort to improve the quality of all judicial workers in the country." Also in 1999, the President of the Supreme People's Court announced that all senior judges in the nation's courts would attend training courses within the next 3 years, with an emphasis on new laws and regulations.

Trials continue to be conducted in secret. In July 1999, Wang Yingzheng, a 19-year-old activist in Jiangsu Province, was tried in secret for writing an article criticizing official corruption. Wang's family was not notified of the trial until several weeks afterward. In June 1999 labor activist He Chaohui also was tried in a closed courtroom in Hunan. According to Amnesty International, two sisters who owned a bookstore were sentenced to prison terms in January for distributing Falun Gong literature. The sisters reportedly were arrested in July 1999, held incommunicado for 3 months, and tried in secret (see Section 2.c.).

Defendants frequently have found it difficult to find an attorney willing to handle sensitive political cases. Government-employed lawyers still depend on official work units for employment, housing, and other benefits, and therefore many may be reluctant to represent politically sensitive defendants. In January 1999 dissident Wang Ce was tried and defended himself, reportedly because lawyers recommended by the court refused to take his case. In February he was sentenced to 4 years in prison. In December 1998, authorities blocked attempts by prominent dissidents Wang Youcai and Qin Yongmin to hire lawyers of their own choosing. There were no new reports of the Government revoking the licenses of lawyers representing political defendants, as it sometimes has done in the past. However, Liu Jian, a criminal defense attorney, reportedly was detained in July 1998 after most of the witnesses he had called refused to testify at the trial of a local official charged with taking bribes; Liu was charged with "illegally obtaining evidence" and was detained for 5 months. Liu reportedly was held incommunicado for 10 days and was beaten and tortured in detention in an effort to force a confession. He eventually pled guilty in exchange for a light sentence, but his criminal record prevents him from practicing law.

Lawyers who try to defend their clients aggressively continue to have problems with police and prosecutors, leading to complaints and threats of harassment by law enforcement officials. Lawyers' professional associations have called for better protection of lawyers and their legitimate role in the adversarial process.

The lack of due process is particularly egregious in death penalty cases. There are 65 capital offenses in the law. They include financial crimes such as counterfeiting currency, embezzlement, and corruption. During the year, several mid- or high level officials were sentenced to death for embezzlement or corruption; one, Hu Changqing, vice governor of Jiangxi Province, was executed in February. The trial of 11 officials in the Xiamen corruption scandal was conducted in secret. Seven of the officials were sentenced to death, and four were sentenced to life in prison. Persons may be sentenced to death for other property crimes as well; among those reportedly executed during the year was a man from Yunnan Province, convicted of setting a forest fire. A higher court nominally reviews all death sentences, but the time between arrest and execution is sometimes days or less, and reviews consistently result in the confirmation of sentences. Minors and pregnant women are expressly exempt from the death sentence, and only those theft cases involving banks or museums warrant capital punishment. Amnesty International (AI), in a report issued in January 1999, said the group independently recorded 2,701 persons sentenced to death in 1998, with 1,769 executions confirmed. AI stated that its figure for executions was based on public reports and represented only a fraction of death sentences and executions. AI believes that actual figures were higher because not all death penalties or executions are reported, and the authorities can manipulate such information. The number of executions that were reported in the Xinjiang Uighur Autonomous Region was particularly high; according to AI, scores of

Uighurs, many of whom were reportedly political prisoners, were sentenced to death and executed in Xinjiang since 1997. The Government regards the number of death sentences it carries out as a state secret. However, in March the President of the SPC told the NPC that, in 1999, the Court had heard 5,768 appeals, including appeals to death sentences, an increase of 23.43 percent over 1998. The Central Commission of Political Science and Law announced on October 16 that 515 persons were executed nationwide between early September and October 15.

Persons can also receive long prison sentences for financial crimes after very short trials; according to a press report, on May 30, businessman Mou Qizhong was sentenced to life in prison for foreign exchange fraud after a 1day trial in November 1999.

The shortcomings of the justice system have begun to spur public debate among lawyers, law professors, and jurists, and some have continued to press for legal reform. During the year, scholars wrote numerous articles focused on the absence of legal provisions specifically guaranteeing a suspect's right to remain silent as one of the main reasons for legal abuses. Under the law, a suspect has the duty to "answer truthfully," whether or not the answer is self-incriminatory. One article explained that under existing laws, suspects are often coerced into "truthfully" admitting their guilt, resulting in forced confessions becoming more common. Some legal experts called for a system of supervision during investigations, including the right to have a lawyer present during interrogation, as the only way to protect suspects from torture and forced confessions. Others called for the creation of new regulations setting out the right of the accused to remain silent and a system of accountability for judicial personnel. Major newspapers and legal journals throughout the year called for the introduction of a British or American system of discovery, the abolition of coerced confessions, a legal presumption of innocence, an independent judiciary, and improved administrative laws giving citizens more recourse against the Government. In April the Beijing newspaper *Legal Daily* published an article on torture that concluded the practice was due to police officials not having adequate legal or human rights training and holding antiquated ideas about a presumption of guilt. In July Shanghai lawyers publicly called for the establishment of the right of the accused to remain silent in a criminal investigation.

There are signs that citizens are beginning to use the court system and the new legal remedies available to them to protect their rights and seek redress for a variety of government abuses; a growing number are using legal recourse against government malfeasance. The Beijing Higher People's Court released statistics in April stating that when citizens sued the Government, citizen plaintiffs won in 23 percent of cases (832 of 3,632) from 1990–1999. In addition a large percentage of such cases are settled out of court. The term "administrative omission" refers to cases in which government organizations do not respond or delay response to applications lodged by citizens. According to statistics by the SPC, the number of administrative omission lawsuits filed by individuals against Government organizations increased by 7.6 times between 1990 and 1998. However, while some plaintiffs have successfully filed suit against the Government, decisions of any kind in favor of dissidents remain rare. In particular appeals of prison sentences by dissidents rarely are granted. In 1999 appeals by Lin Hai, Lai Jingbao, and Fang Jue all were denied.

In recent years, credible reports have alleged that organs from some executed prisoners were removed, sold, and transplanted. Officials have confirmed that executed prisoners are among the sources of organs for transplants but maintain that consent is required from prisoners or their relatives before organs are removed. There is no national law governing organ donations, but a Ministry of Health directive explicitly states that buying and selling human organs and tissues is not allowed. The courts traditionally issue several death sentences before the annual lunar New Year holiday and other holidays. According to Hong Kong press reports, these executions have increased the demand for organs from executed prisoners. More than 40 wealthy individuals in need of transplants reportedly traveled to a hospital in Guangzhou and paid up to \$300,000 (RMB 2.5 million) each for livers harvested from executed criminals. There are no reliable statistics on how many organ transplants occur each year using organs from executed prisoners, but, according to press reports, hundreds of persons from other Asian countries who are unable to obtain transplants at home travel to the country each year for organ transplants. Recipients report paying various amounts for the transplants, and some have reported that treatment may be terminated or delayed for a lack of funds or a delay in payment.

Government officials deny holding any political prisoners, asserting that authorities detain persons not for their political or religious views, but because they violate the law. However, the authorities continued to confine citizens for political and reli-

gious reasons. It is estimated that thousands of political prisoners remain incarcerated, some in prisons and others in labor camps.

The 1997 amended Criminal Code replaced "counterrevolutionary" offenses, which often, in the past, had been used against the Government's political opponents, with loosely defined provisions barring "crimes endangering state security." At year's end, there were as many as 1,000 individuals in prisons serving sentences for "counterrevolution" crimes. Persons detained for such offenses included Hu Shigen, Kang Yuchun, Yu Zhijian, Yang Lianzi, Zhang Jingsheng (released in June), and Sun Xiongying. Several foreign governments urged the Government to review the cases of those charged with counterrevolution, since the crime was no longer on the books, and release those who had been jailed for nonviolent offenses under the old statute. Officials have indicated that a case-by-case review of appeals filed by individual prisoners is possible under the law, and there is one known case of a successful appeal. However, the Government indicated that it would neither initiate a broad review of cases nor grant a general amnesty, arguing that "crimes" covered by the Law on Counterrevolution still are considered crimes under the State Security Law. According to the Government, 600 persons were imprisoned under the State Security Law in 1998-99. Those charged with counterrevolutionary crimes continue to serve their sentences.

The authorities sentence persons administratively without trial to terms of 1 to 3 years in reeducation-through-labor camps. According to international press reports, some 230,000 persons are serving sentences in reeducation-through-labor camps. By one estimate, 1.7 million persons per year may also be detained under custody and repatriation or similar regulations, which allow "undesirable" persons in urban areas to be detained administratively or returned to their registered place of residence (see Section 1.d.). Defendants legally are entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. Persons can gain a reduction in, or suspension of, their sentences after appeal, but appeals usually are not successful because of problems such as short appeal times and inadequate legal counsel that weaken the effectiveness of the law in preventing or reversing arbitrary decisions.

Amnesty International has identified 211 cases of persons who remain imprisoned or on medical parole for activities related to the 1989 Tiananmen protests alone; other NGO's estimate as many as 2,000 persons remain in prison for their actions at that time.

The Government released some political prisoners early. Software businessman Lin Hai, jailed for Internet subversion, was released in September 1999; June 4 activist Chen Lantao was paroled 7 years early in April; Zhao Fengping also was released in April; Tiananmen Square activist Liu Wensheng was released from a prison in northern Gansu in August; and Yu Zhijian, who defaced the portrait of Mao Zedong in Tiananmen Square during the 1989 student protests, was released in September; Cai Guihua was released in January, detained several times during the year, and paroled in December; and Xu Guoxing was released during the year. Yue Dongyue, who also defaced Mao's portrait, had his sentence reduced during the year from 20 years to 18 years. However, many others, including Chadrel Rinpoche, Fan Zhongliang, Han Chunsheng, Li Bifeng, Jigme Sangpo, Ngawang Choephel, Ngawang Sangdrol, Qin Yongmin, Shen Liangqing, Zha Jianguo, Wang Youcai, Xu Wenli, Xu Yongze, Yang Qinsheng, Zhang Lin, Zhang Shanguang, Zhao Changqing, and Zhou Yongjun remained imprisoned or under other forms of detention during the year. Political prisoners generally benefit from parole and sentence reduction at significantly lower rates than ordinary prisoners. In addition authorities summarily tried and sentenced political dissidents to long prison terms.

Criminal punishments can include "deprivation of political rights" for a fixed period after release from prison, during which the individual is denied rights of free speech and association. Former prisoners also can find their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Economic reforms and social changes have ameliorated these problems for nonpolitical prisoners in recent years. However, former political prisoners and their families still frequently are subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, especially when prominent foreigners visit the country. They also may encounter difficulty in obtaining or keeping employment and housing (see Section 1.f. and 2.d.).

f. Arbitrary Interference With Privacy, Family, Home, Correspondence.—The Constitution states that the "freedom and privacy of correspondence of citizens are protected by law." Despite legal protections, authorities often do not respect the privacy of citizens in practice. Although the law requires warrants before law enforcement officials can search premises, this provision frequently has been ignored; moreover, the Public Security Bureau and the procuratorate can issue search warrants on

their own authority. Authorities often monitor telephone conversations, fax transmissions, e-mail, and Internet communications of citizens, foreign visitors, businessmen, diplomats, and journalists, as well as dissidents, activists, and others. The security services routinely monitor and enter the residences and offices of foreigners and persons dealing with foreigners to gain access to computers, telephones, and fax machines. All major hotels have a sizable internal security presence. Authorities also open and censor domestic and international mail. Han Chunsheng, a Voice of America (VOA) listener who allegedly sent over 20 letters critical of the Government to a VOA mailbox, remains in prison on an 8-year sentence for counterrevolutionary incitement and propaganda. Government security organs monitor and sometimes restrict contact between foreigners and citizens.

In urban areas, many persons still depend on government-linked work units for housing, healthcare, permission to have a child, approval to apply for a passport, and other aspects of ordinary life. However, the work unit and the neighborhood committee, which originally were charged with monitoring activities and attitudes, have become less important as means of social or political control; government interference in daily personal and family life continues to decline for the average citizen. A growing number of residents in cities are buying their own apartments, further weakening the work unit. In some cities, the system of government-linked housing is being rapidly dismantled.

Some dissidents are under heavy surveillance and routinely have their telephone calls with foreign journalists and diplomats monitored. The authorities blocked some dissidents from meeting with foreigners, particularly during politically sensitive periods. On April 1, the Government prevented Ding Zilin, an organizer of relatives of victims of the Tiananmen massacre, from meeting with the widow of noted author Edgar Snow after learning that Mrs. Snow wished to donate money to Ding Zilin's organization. Ding was also prevented from leaving her home to meet Mrs. Snow; on April 2, security agents filmed Mrs. Snow's visit to her husband's tomb nearby. On April 3, Su Bingxian, an elderly intermediary who had agreed to convey Mrs. Snow's donation to Ding Zilin, was detained outside of Ding's apartment and held for 1 day. In June the authorities also reportedly surrounded Ding Zilin's apartment on the anniversary of the Tiananmen Square massacre to prevent persons from joining her to commemorate it. Police ordered the sister of one jailed dissident not to meet with a foreign diplomat on the eve of a high level foreign official's visit to China. Although the authorities released Bao Tong, a former Zhao Ziyang aide in 1997, they continue to monitor his activities closely with constant surveillance, at times preventing him from meeting with others and interfering with his telephone service. Officials threatened Bao when he questioned Communist Party policy or complained about invasions of his personal freedom. Other dissidents also have reported harassment by the authorities. Dissidents in Shanghai have been warned not to meet with certain persons, talk to reporters, or write or fax articles. Such harassment appears to be common among Tiananmen-era activists. Authorities also harassed and monitored the activities of relatives of dissidents. For example, security personnel keep close watch on relatives of prominent dissidents, particularly during sensitive periods. Dissidents and their family members routinely are warned not to speak with the foreign press. Security personnel followed Wei Xiaotao, the brother of Wei Jingsheng, to meetings with Western reporters and diplomats on numerous occasions.

Government harassment prevents Tiananmen Square massacre-era activist Tang Yuanjun and other present and former dissidents and their relatives from obtaining and keeping steady employment. The Government continued to freeze bank accounts kept by Ding Zilin containing funds to help the families of Tiananmen massacre victims, an action criticized by dissidents within the country and human rights organizations abroad. In January officials detained Lu Wenhe, who had traveled from abroad carrying \$25,000 (RMB 200,000) intended for Ding Zilin's fund, for 3 days and confiscated the money. By year's end, the money had not been returned. In July 1999, public security officials forced Li Ling, another activist, to withdraw \$25,000 (RMB 200,000) from a bank account in her name that had been sent to her from abroad; the money, which was intended to help victims of the Tiananmen Square massacre and their families, was confiscated. The money had not been returned by year's end. Police sometimes detained the relatives of dissidents (see Sections 1.d. and 2.a.).

There is evidence that official poverty alleviation programs and major state projects, such as the Three Gorges Dam and environmental/reforestation projects, include forced relocation of persons.

The authorities continue to systematically jam VOA radio broadcasts, but the effectiveness of this interference varies considerably by region, with audible signals of the VOA and other short-wave broadcasters reaching most parts of the country

(see Section 2.a.). Government jamming of Radio Free Asia (RFA) appears to be more effective (see Section 2.a.).

The Government continued to encourage the expansion of the Internet; however, it also increased monitoring of the Internet during the year and placed restrictions on information available on the Internet. The Government introduced new regulations during the year that restricted citizens' right to privacy on the Internet, and monitored e-mail transmissions. Other regulations, which came into effect in 1997, provide for fines and other unspecified punishments to deal with violators. Internet control regulations are reissued occasionally. Enforcement generally drops off after a few months. The latest iteration of Internet regulations, issued on October 1, continues to prohibit a broad range of activities that can be interpreted as subversion or slandering the state (see Section 2.a.). During the year, the Government attempted to block e-mail from overseas Internet service providers used by dissident groups. There have been reports that the Government is attempting to develop an e-mail filtration system to block antigovernment e-mail messages from entering the country. The Government also blocked access to politically sensitive web sites at various times (see Section 2.a.).

The Government continued to implement comprehensive and often intrusive family planning policies. The State Family Planning Commission (SFPC) formulates and implements policies with assistance from the Family Planning Association, which has 83 million members in 1.02 million branches nationwide. Officials have predicted that the population will reach almost 1.6 billion in the year 2030 if current birth rates continue. Most demographers estimate fertility at 2.0 to 2.3 births per woman (although the official figure is 1.8), indicating that the "one-child policy" is not applied uniformly to couples. A strict one-child policy applies in the cities but not in the countryside, where 70 percent of citizens live. According to one senior family planning official, only 60 million of the country's 300 million children under age 14 are from single-child families. Couples in urban areas are affected most by family planning guidelines, seldom receiving permission to have more than one child, although urban couples who themselves were only children may have two children. In general economic development and other factors such as small houses and high education expenses have reached a level where couples in major urban centers often voluntarily limit their families to one child. There were reports that, due to the success of the one-child policy in urban areas, the Government was beginning to relax its policies in the cities. In May 1999, the official press reported that although couples in Beijing were still limited to one child, effective October 1, 1999, they would no longer be required to obtain a family planning certificate before having their child. At year's end, the effect of this change was unknown. Such policies reportedly also have been adopted in some other areas. In Shanghai, Zhejiang Province, and parts of Guizhou Province, couples who met certain criteria were reportedly allowed to have a child without government permission. It is illegal for unmarried women to bear children, and unmarried women cannot get permission to have a child. In order to delay childbearing, the Marriage Law sets the minimum age at marriage for women at 20 years, and for men at 22 years; marrying 2 or more years later is encouraged.

Outside the cities, exceptions to the "one-child policy" are becoming the norm. The average number of children per family in rural areas is slightly over two. Although rules can vary somewhat by Province, in rural areas, couples generally are allowed to have a second child if the first is a girl, an exception that takes into account both the demands of farm labor and the traditional preference for boys. Families whose first child is disabled also are allowed to have another child. Ethnic minorities, such as Muslim Uighurs and Tibetans, are subject to less stringent population controls. Minorities in some rural areas are permitted to have as many as four children, but authorities increasingly are pressuring minorities to limit births. AI reports that, while members of the Uighur minority in Xinjiang are allowed to have 2 children in urban areas and 3 in rural areas, there has in fact been pressure for them to have only one. In remote areas, such as rural Tibet, there are no effective limits, but Tibetan government employees and Party members are encouraged to have only one child.

Population control policy relies on education, propaganda, and economic incentives, as well as on more coercive measures, including psychological pressure and economic penalties. For example, all workers at a factory or other work unit might lose a bonus if one worker has a child without permission. The national family planning policy is implemented through provincial and local regulations. According to local regulations in at least one province, women who do not qualify for a Family Planning Certificate that allows them to have a child must use an intrauterine device (IUD) or implant. The regulations further require that women who use an IUD undergo quarterly exams to ensure that it remains properly in place. If a couple has

two children, those regulations require that either the man or woman undergo sterilization. According to a credible report, the number of couples undergoing sterilization procedures after giving birth to two children increased significantly in at least one inland Province. Rewards for couples who adhere to family planning policies include monthly stipends and preferential medical and educational benefits. Disciplinary measures against those who violate policies can include fines (sometimes called a "fee for unplanned birth" or a "social compensation fee"), withholding of social services, higher tuition costs when the child goes to school, demotion, and other administrative punishments that sometimes result in loss of employment. Fines for giving birth without authorization vary, but they can be a formidable disincentive. According to the State Family Planning Commission (SFPC) 1996 Family Planning Manual, over 24 million fines were assessed between 1985 and 1993 for children born outside family planning rules. In Quanzhou, Fujian Province, the fine for violating birth quotas is three times a couple's annual salary, to be paid over a 12 to 13 year period. In Shanghai the fine is also three times the combined annual salary of the parents. In Zhejiang Province, violators are assessed a fine of 20 percent of the parents' salary paid over 5 years. According to Guizhou provincial family planning regulations published in July 1998, families who exceed birth quotas are to be fined two to five times the per capita annual income of residents of their local area. The regulations also stipulate that government employees in Guizhou who have too many children face the loss of their jobs. In many provinces, penalties for excess births in an area also can be levied against local officials and the mother's work unit, thus creating multiple sources of pressure. In Guizhou, for example, regulations state that officials in an area in which birth targets are not met cannot be promoted in that year. Unpaid fines sometimes have resulted in confiscation or destruction of homes and personal property by local authorities. In June 1999 Anhui Province promulgated amended family planning rules that stated that each couple "is encouraged" to have only one child, that second births are "strictly controlled," and that "unplanned births are forbidden." Women of childbearing age are required periodically to undergo pregnancy tests, and couples are required to "practice effective contraceptive measures." Couples already having a child are required to adopt long-term birth control measures. In the cases of families that already have two children, one of the parents "is encouraged to undergo sterilization." In addition the rules state that "unplanned pregnancies must be aborted immediately."

However, over the past few years, authorities have initiated experiments to relax family planning targets in several counties. The integration of family planning with poverty alleviation and education efforts is one sign of this trend. Experimental relaxed targets in Yi Chun County, Shanxi Province, Chude in Hubei Province, and Longshen in the Gaunxi Autonomous Region have met and sometimes exceeded the official target and also have produced a more normal sex ratio at birth than in other areas. In Yicheng County, couples who have observed the rule of not marrying early and waiting 3 years to have their first child are permitted to have a second child after age 30. According to a foreign press report, over the past few years more than 600 counties covering about half the country's population have adopted more liberal policies in seeking to maintain low birth rates; Zhejiang Province reportedly has abandoned "birth quotas" of county-by-county permissible births each year, and other countries have set up "whispering rooms" in family planning offices where women can talk privately with doctors about their birth control options. Other jurisdictions, such as Minglan village in Yandu County, have reportedly followed the earlier example of Beijing and other cities, abolishing birth permits and allowing couples to decide on their own when to have a baby. Beijing reportedly encourages local officials to initiate and fund their own projects on family planning.

Penalties for family planning violators, including high fines, have led to widespread underreporting of rural births, making population statistics unreliable. By some estimates, official statistics may underreport the annual number of births by as much as 25 percent. Local officials, caught between pressures from superiors to show declining birth rates and from local citizens to allow them to have more than one child, frequently make false reports. For example, in July the Yunnan Ribao reported a local doctor in Xuanwei falsely had reported 700 births of twins in order to account for families having multiple children. In April the government-sponsored Chinese Academy of Social Sciences issued a book showing discrepancies in birth figures. According to that book, in 1998 the State Statistics Bureau reported 19.91 million births in China, while the State Family Planning Agency maintained there were only 13.83 million births, a difference of more than 30 percent.

Central government policy formally prohibits the use of force to compel persons to submit to abortion or sterilization; however, intense pressure to meet family planning targets set by the Government has resulted in documented instances in which family planning officials have used coercion, including forced abortion and steriliza-

tion, to meet government goals. During an unauthorized pregnancy, a woman often is paid multiple visits by family planning workers and pressured to terminate the pregnancy. According to a senior family planning official, 10 million persons are sterilized each year and not all voluntarily. In 1998 a former Fujian Province local family planning official stated that local authorities in a Fujian town systematically used coercive measures such as forced abortion and sterilization, detention, and the destruction of property to enforce birth quotas. After the Fujian allegations were made public, the SFPC sent a team led by a senior official to investigate the charges. In a meeting with foreign diplomats, the senior official did not deny that abuses may have occurred but insisted that coercion was not the norm, nor government policy, nor sanctioned by central authorities in Beijing. There were reports that, after the central government's investigation, local officials in Fujian scaled back the intensity of their family planning enforcement efforts. Senior officials repeatedly have said that the Government "made it a principle to ban coercion at any level." They acknowledge that problems persist and insist on the Government's determination to address such problems. The SFPC has issued circulars nationwide prohibiting family planning officials from coercing women to undergo abortions or sterilization against their will. Under the State Compensation Law, citizens also can sue officials who exceed their authority in implementing family planning policy, and in a few instances, individuals have exercised this right.

Corruption related to family planning fines is a widespread problem. In 1999 the press reported that one city in Henan Province had punished 879 Party members and government officials for corruption in family planning.

In late 1998, the United Nations Population Fund (UNFPA) on an experimental basis launched a 4-year pilot project in 32 counties to address family planning and reproductive health issues solely through the use of voluntary measures, emphasizing education, improved reproductive health services, and economic development. The SFPC worked closely with the UNFPA to prepare informational materials and to provide training for officials and the general public in the project counties. Although it was still too early for an overall assessment of this program, visits to selected counties by foreign diplomats indicate that progress in implementing the program has been mixed. Some counties have made appreciable progress in implementing the program, while others have made relatively little. Notably, some counties have informed the general public about the UNFPA program and have eliminated the system of strict, government-assigned birth quotas (allowing couples to choose without authorization when to have their first child); other counties have not yet done so, or have only begun to do so. In Sichuan Province a couple can legally have a second child without applying for permission if they meet all the requirements; however, regulations and implementation vary from town to town. The Government has welcomed foreign delegations to inspect the UNFPA project counties. Although access to these areas has varied from province to province, foreign diplomats visited several counties during the year.

Regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the traditional preference for male children, particularly in rural areas, many families have used ultrasound to identify female fetuses and terminate pregnancies. The use of ultrasound for this purpose is prohibited specifically by the Maternal and Child Health Care Law, which came into effect in 1995 and mandates punishment of medical practitioners who violate the provision. According to the SFPC, a handful of doctors have been charged under this law. Government statistics put the national ratio of male to female births at 114 to 100; the World Health Organization estimates the ratio to be 117 to 100. The statistical norm is 106 male births to 100 female births. These skewed statistics reflect both the underreporting of female births so that parents can keep trying to conceive a boy, and the abuse of sonograms leading to the termination of pregnancies based on the sex of the fetus. Female infanticide, abandonment, or the neglect of baby girls that results in lower female survival rates are also factors (see Section 5). The state-run media is paying increasing attention to unbalanced birth ratios, and the societal problems, such as trafficking in women, which they cause (see Section 6.f.). In the cities, the traditional preference for sons is changing; in the rural areas the practice continues. In July the Liaoshen Evening News reported that in a township of Liaoyang County, Liaoning Province, the male to female sex ratio was 306/100 for second children born between 1992 and 1999. After operating for 7 years, an illegal sex determination clinic was exposed when an outraged citizen called the Liaoyang City mayor's hot line.

There reportedly have been instances in which pregnant prisoners in reeducation-through-labor camps were forced to submit to abortions (see Section 1.c.).

The Maternal and Child Health Care Law requires premarital and prenatal examinations to determine whether couples have acute infectious diseases or certain

mental illnesses (not including mental retardation), or are at risk for passing on debilitating genetic diseases. The Ministry of Health implements the law, which recommends abortion or sterilization in some cases, based on medical advice. The law also provides for obtaining a second opinion and states that patients or their guardians must give written consent for such procedures (see Section 5). At least five provincial governments have implemented local regulations seeking to prevent persons with severe mental disabilities from having children. In August 1998 the Government issued an "explanation" to provincial governments clarifying that no sterilization of persons with genetic conditions could be performed without their signed consent.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution states that freedom of speech and of the press are fundamental rights to be enjoyed by all citizens; however, the Government restricts these rights in practice. During the year, the Government maintained tight restrictions on freedom of speech and of the press. The Government interprets the Communist Party's "leading role," as mandated in the preamble to the Constitution, as circumscribing these rights. The Government does not permit citizens to publish or broadcast criticisms of senior leaders or opinions that directly challenge Communist Party rule. The Party and Government continue to control many—and, on occasion, all—print and broadcast media tightly and use them to propagate the current ideological line. According to official statistics, in 1998 the country had 2,053 newspapers, and 7,999 magazines and trade publications. It also published 7.24 billion copies of books representing 7,999 titles. All media employees are under explicit, public orders to follow CCP directives, and "guide public opinion," as directed by political authorities. Both formal and informal guidelines continue to require journalists to avoid coverage of many politically sensitive topics. The State Security Law forbids journalists from divulging "state secrets." These public orders, guidelines, and statutes greatly restrict the freedom of broadcast journalists and newspapers to report the news and lead to a high degree of self-censorship.

The Government's harsh propaganda campaign against the Falun Gong, begun in 1999, continued and intensified during the year. There were also smaller propaganda campaigns against superstition.

The Government strictly regulates the establishment and management of publications. As in previous years, the Government continued to close down publications and punish journalists for printing material deemed too sensitive. Newspaper editors may be suspended and sent to the Propaganda Bureau for "rectification," after which they can generally return to work in the publishing industry. With the Government's consent and even open support, the press continued to publish stories related to citizen's rights, legal reform, official corruption, and official misconduct and gross abuses, particularly by law enforcement officials. However, newspapers cannot report on corruption without government and Party approval, and publishers published such material at their own risk. Senior officials issued a new call for tighter controls on the media and related fields in the period preceding the country's entry into the World Trade Organization. According to Western press reports, in August Jiang Zemin, at the annual leaders conference in Beidaihe, reportedly indicated that more media organizations, including web sites, would be asked to undergo government-controlled mergers in order to ensure control by Party and government censors. Jiang indicated the existing ban on new permits for magazines and publishing houses would stay in place and that authorities would place tighter controls on freelance contributors to newspapers, magazines, and web sites, as well as freelance production houses for television units. At year's end, it was not clear that such policies had been effectively implemented.

Journalists were harassed, detained, and threatened during the year, often for reporting on subjects that met with the Government's or local authorities' disapproval, including corruption. In January the editor in chief of Southern Weekend, a newspaper known for its daring investigative reporting and critical editorials, was reassigned by Communist Party officials. After his departure, the newspaper's content reportedly became less critical of the Government than it had been previously. In March the government newspaper Weekly was shut down by the authorities after it published sensitive information regarding military strategy against Taiwan. In September Qi Yanchen was convicted in Hebei of subversion for writing an article for the prodemocracy e-mail newsletter VIP Reference. In July Zhuhai police arrested five journalists, including two from Hong Kong and two from Macau, who were attempting to cover peasant protests against a land redevelopment scheme. In August local police arrested Ma Xiaoming, a Shaanxi television station reporter who had reported on a case involving 12,000 peasants who brought a lawsuit against their township government. Ma was arrested to prevent him from meeting with a

foreign newspaper reporter. On August 11, poet and editor of the literary journal *Tendency*, Huang Beiling (also known by his pen name of Bei Ling), was arrested in Beijing and charged with illegal publishing. Authorities also seized several hundred copies of the most recent edition of *Tendency*, which the authorities stated has "political problems." Huang's brother and sometime partner in *Tendency*, Huang Feng, was detained on August 18, possibly in connection with his efforts to obtain his brother's release. Huang Beiling was released on August 25, and returned to his home abroad. According to the local press, in November several persons accused of printing and distributing Falun Gong literature were arrested in Chaoyan, Liaoning Province.

In January, according to one report, the Government announced that it had closed down 27 newspapers, some for violations of press regulations or printing fabricated or sensational stories. In June authorities reportedly issued a new directive that required the media to uphold the party line and in July demoted or fired about 12 editors of publishing houses for ignoring the directive.

In April 1999, journalist Gao Qinrong reportedly was sentenced to 13 years in prison after writing a story that appeared in 1998 on corruption in connection with the construction of an irrigation system in Shanxi Province.

The publishing industry consists of three kinds of book businesses: about 500 government-sanctioned publishing houses, smaller independent publishers that cooperate with official publishing houses to put out more daring publications, and an underground press. The 500 government-approved publishing houses are the only organizations legally permitted to print books. The Government exerts control by issuing a limited number of publishing licenses, which are required for each edition of a book. A Party member at each publishing house monitors the content of the house's publications and uses the allocation of promotions, cars, travel, and other perks to encourage editors to exercise "proper" judgment about publications. Overt intervention by the State Publications Administration and Party Propaganda Bureau is strictly post-publication. Independent publishers take advantage of a loophole in the law to sign contracts with Government publishing houses to publish politically sensitive works. These works generally are not subjected to the same multi-layered review process as official publications of the publishing houses.

Underground printing houses, which are growing in number, publish the books that are the most popular with the public. These underground printing houses are the main targets of a campaign initiated at the end of 1998 to stop all illegal publications (including pornography and pirated computer software and audiovisual products), which has had the effect of restricting the availability of politically sensitive books. Many street vendors who sell sensitive works apparently have a tacit understanding with the authorities that they will look the other way when the vendors sell other illegal (i.e. pornographic or pirated) publications if the vendors do not sell politically sensitive books. Many pirated works are printed by police- or military-affiliated organizations, which often are not targeted for investigation. While government efforts have made it somewhat more difficult to find these books, they still are available. Pirated software, music compact discs, and video compact discs also are available widely and openly.

In January Li Zhe and Wang Huimin, two distribution managers at Beijing's wholesale book market, were arrested for editing and publishing a book which exposed official corruption. In June the Beijing Publishing Group announced its decision to cancel its plans to publish of novel "Waiting," by Ha Jin, a Chinese author living abroad. The book, which won foreign literary awards, was criticized publicly by a Beijing university professor as unpatriotic and for casting the country and its citizens in a bad light. Poet Bei Ling and Director of the PEN American Center Michael Roberts claim that there has been a tightening of the publishing rules during the year, that 15 publishing houses were closed and that a popular sexually explicit book was banned.

In early August, customs officials seized thousands of copies of a book being manufactured in the country by a foreign publishing company for publication abroad. The book contained photographs of world leaders, including the Dalai Lama. The Government claimed that its ban on politically sensitive works extended to items bound for export. Soon after this incident, 10,000 copies of a book of Tibetan art, published by the same foreign publisher for publication abroad, were seized as well. In early September, the books with the offending photograph of the Dalai Lama were released.

Some dissidents continued to speak out despite the Government's restrictions on freedom of speech. In late March, just prior to the annual meeting of the U.N. Commission on Human Rights in Geneva, former CCP member Bao Tong issued a letter criticizing the country's human rights policies. Prior to the June 4 anniversary of the Tiananmen Square massacre, Li Guotao was rearrested in Shanghai and

charged with spreading reactionary publications, instigating disturbances, and disturbing the social order (apparently in connection with a letter he and others sent to the mayor of Shanghai protesting the arrest of dissident Dai Xuewu and requesting his release). On June 28 he was sentenced to 3 years' reeducation-through-labor for demanding the release of CDP members.

Several groups actively commemorated the June 4 anniversary of the Tiananmen massacre. On May 29, nine dissidents in Liaoning jointly wrote a letter to Jiang Zemin, urging the authorities to reverse the verdict on the June 4 incident. On May 31, a group of 108 surviving victims and family members of victims of the Tiananmen Square massacre released a letter through a human rights organization based outside of the country that demanded that Li Peng be prosecuted for his actions in relation to the massacre. According to the Information Center for Human Rights and Democracy, on June 1, Liu Xiaobo appealed for the release of political prisoners and apologies to the families of the victims of the Tiananmen Square massacre. On June 4, 50 dissidents in Chongqing, Henan, and Hebei staged a 24-hour hunger strike to commemorate the massacre. In an open letter to Jiang Zemin, Tiananmen massacre victims' family rights activist Ding Zilin requested the return of funds earmarked for her group that were seized by police in January. However, the Government continued to threaten, arrest and imprison persons expressing their freedom of speech and press. In January 20-year old democracy activist Wang Yingzheng was found guilty of attempting to overthrow state power and sentenced to 4 years in prison for writing an open letter to Jiang Zemin denouncing corruption in China's ruling class. Also in January, Wang Hansheng and his wife, Xu Xianglan, were sentenced to 6 and 8 years in prison respectively for printing Falun Gong books and posters. In his March letter, Bao Tong noted heavy surveillance and interference with his privacy as a result of his continued activism (see Sections 1.f. and 2.d.); he also noted that his freedom of speech has been threatened by the authorities. Police sometimes detained relatives of dissidents (see Section 1.f.). In May ads and other programs featuring the popular Taiwanese singer Ah Mei (Chang Hui-Mei) were banned, after she sang at the inauguration of the new Taiwanese President, Chen Shui-Bian. In July government film censors blacklisted popular actor-director Jian Wen because his Cannes Film Festival award winning film "Demons at the Doorstep" was judged to be unpatriotic in its depiction of the Japanese occupation. In October Beijing authorities criticized the award of the Nobel Prize for Literature to Gao Xingjian, an exile who is a French citizen and gave no indication they would lift a ban on his works.

The Government kept tight control over the foreign press during the year and continued efforts to prevent foreign media "interference" in internal affairs. The authorities continued to jam, with varying degrees of success, Chinese- and Tibetan-language broadcasts of the Voice of America and Radio Free Asia (RFA). English-language broadcasts on VOA generally are not jammed, unless they immediately follow Chinese-language broadcasts, in which case portions of English-language broadcasts may be jammed. In the absence of an independent press, overseas broadcasts such as VOA, BBC, RFA, and Radio France International have a large audience, including activists, ordinary citizens, and even government officials. In May 1999 the press reported that Shanghai authorities had issued a notice that restricted pager services and Internet service providers, among others, from transmitting "political information" or information that could harm social stability.

There are no privately owned television or radio stations, and all programming must be approved by the Government. Commercial program producers are seeking to expand the limits of broadcast content.

Despite tighter government control of the press, information about the nation and the world continued to flow into the country at an increasing rate. Residents in Guangdong and other southern Provinces have wide access to Hong Kong television programs and newspapers. Throughout the country, a lively tabloid sector is flourishing. Radio talk shows remain popular, and, while avoiding the most politically sensitive subjects, they provide opportunities for citizens to air grievances about public issues. Despite licensing requirements and other restrictions, a small but rapidly growing segment of the population has access to the Internet. Most of the population has the means to own and use short-wave radios. The Government does not place restrictions on their use.

During the year, the Government continued to encourage expansion of the Internet and other communications infrastructure and put more official information online, and the number of sites increased from 25 to 2,400; however, the Government increased monitoring of the Internet during the year and placed restrictions on information available on the Internet. Internet use is expanding exponentially, creating a potentially powerful channel of information to the computer literate. It is estimated that nearly 15 million persons were connected to the Internet as of year's

end, but estimates vary, with some considerably higher. However, increasing regulations, controls, and restrictions on the Internet by the Government during the year has led to self-censorship, and had a chilling effect. In recent months a number of prodemocracy web sites were closed, Internet cafes were shut down, and web site operators were arrested. However, the number of web sites and Internet cafes grew dramatically during the year, and on some bulletin boards and web sites, frank discussions of the need for political reform took place.

In early January, press reports stated that authorities in Shanghai ordered corporate Internet users to register with the police "to strengthen the protection and safety of computers and information." On January 26, the Government issued the Computer Information Systems Internet Secrecy Administrative Regulations, which criminalized the posting and dissemination of "state secrets" on the Internet. However, the definition of "state secrets" remains vague. The new regulations also stated that operators of Internet chat rooms could be held liable for their content, and that web sites are required to submit to examination and approval by government secrecy offices. A November press report indicated that separate regulations on allowable content for Internet bulletin boards and chat rooms were also published. Another press report noted that additional regulations on bulletin boards were published on December 5.

Internet control regulations are reissued occasionally. Enforcement of such regulations generally wanes after a few months. Regulations issued on October 1 continued to prohibit a broad range of activities that could be interpreted as subversion or as slandering the state. There is no effective enforcement of 1997 State Council regulations requiring those involved in international networking to apply for licenses and provide details regarding the scope and nature of their activities. The State Council also promulgated a comprehensive list of prohibited Internet activities, including using the Internet to "incite the overthrow of the Government or the Socialist system" and "incite division of the country, harming national unification." The regulations, which came into effect in December 1997, provide for fines and other unspecified punishments to deal with violators.

On September 26, new regulations on Measures for Managing Internet Content Provision were passed. The new regulations seem to be a codification of existing regulations and govern who can own Internet businesses, what can be published on the Internet, and who has oversight over Internet businesses; they also require all Internet content providers to be licensed and give such businesses 60 days to provide information about the businesses to the Ministry of Information Industry to obtain licenses. The regulations reportedly require Internet content providers to keep files of what they post and who reads it for 60 days, and ban subversive information (including endangering state secrets or national security), information that advocates cults and superstition, that is harmful to the country's reputation, or that is harmful to reunification efforts. The regulations also reportedly included requirements that Internet service providers "record the times that users log on to the Internet, users' account numbers, Internet addresses or domain names, and the telephone numbers dial in from" and defined illegal content to include news or information that is harmful to the country's reputation, disrupts social stability, disrupts efforts at reunification, or that advocates cults and superstition. Some observers view the new regulations at least in part as an attempt to shift the burden of policing the Internet to the Internet service providers rather than the authorities.

The Government has specially trained police units to monitor and increase control of Internet content and access. In July the state press announced the establishment of an Internet police force in central Anhui Province, stating that similar police forces would be established in 20 other provinces. According to various sources, such Internet police forces were set up in 20 provinces. During 1999 central authorities and public security police in 16 provinces began work on strengthening the administration of Internet cafes, which had been required to register in 1999. Internet cafes also are required to curtail access to information on the Internet that is prohibited by law or regulation, and to monitor and report on customers who use the terminals. There are frequent reports of raids and crackdowns on Internet cafes; according to press reports, during 1 week in early February, 127 unregistered Internet cafes were shut down in Shanghai.

In 1999 one human rights group reported a national police directive ordering special police units to monitor Internet bulletin boards for "reactionary" notices. According to the directive, if such a posting were discovered, police were to contact the bulletin board service to seek assistance in tracing the message. Bulletin boards that did not stop such "seditious" messages from being posted would be shut down. A spokesman for the Government denied the existence of any such directive. However, some bulletin boards were shut down in 1999. Content on some bulletin boards has been removed, sometimes on a daily basis. In May 1999 the press reported that

Shanghai authorities issued a notice that restricted pager services and Internet access providers, among others, from transmitting "political information" or information that could harm social stability. In October 1999, the Government issued State Council Order Number 273, which required firms using encryption products or equipment with encryption technology to register with the Government by January 31, 2000. The order provided that after the initial registration, firms using encryption technology would be required to provide the names, phone numbers, and e-mail addresses of all persons using such technology. In addition the order limited the import or sale of foreign encryption technology. At year's end, these regulations had not been enforced. In 1999 the Government announced the creation of a new committee charged with "protecting government and commercial confidential files on the Internet, identifying net users, and defining rights and responsibilities;" however, there was no evidence that action was taken by this committee during the year.

The authorities also arrested dissidents for information disseminated through the Internet. In August authorities shut down the New Culture Forum, a prodemocracy web site, and sought Xin Wenming, the site's webmaster. Also in August, authorities moved against the nation's largest online bookstore, Jinqi Xishu, as well, for allegedly selling publications through "improper channels." Also in August, police in Nanchong arrested an Internet cafe owner for publishing "counterrevolutionary" articles on public bulletin boards. In September the cofounder of the environmental NGO China Development Union, Qi Yanchen, was sentenced in Hebei to a 4 years in prison for subversion for writing that China would have to introduce political reform in order to avoid widespread social unrest. The article at issue appeared in the prodemocracy e-mail newsletter VIP Reference. As with similar crackdowns against prodemocracy or religious dissidents, authorities frequently charge persons who maintain Internet sites with social crimes. For example, Huang Qi, founder of the prodemocracy web site New Culture Forum in Sichuan Province, was arrested immediately before the June 4 commemoration of the Tiananmen massacre for posting information about the 1989 Tiananmen Square crackdown. He was charged with operating an unregistered Internet site and spreading pornography. In August Huang's web site reportedly was closed down. Shanghai writer and Revival Movement activist Wang Yiliang was sentenced to 2 years' reeducation through labor for allegedly downloading pictures of nude women.

Authorities have at various times blocked politically "sensitive" web sites, including those of dissident groups and some major foreign news organizations, such as the Voice Of America (VOA), the Washington Post, the New York Times, and the British Broadcasting Corporation (BBC). On June 4, the web site of the South China Morning Post was blocked temporarily. Also on June 4, police reportedly cut the telephone line of dissident Ding Zilin, to prevent her from participating in an Internet telecast to Hong Kong commemorating the June 4 anniversary of the Tiananmen Square massacre. The Government specifically targeted web pages run by Falun Gong followers as part of its crackdown against the group. Nonetheless a number of human rights web pages continue to be accessible. The Government's efforts to block content and control usage have had only limited success because sophisticated users can bypass site blocking, and, more importantly, the number of Internet sites providing outside information and news grew so rapidly. Moreover censorship of the Internet appears to be applied inconsistently, although some Internet service providers practice self-censorship to avoid running afoul of very broadly worded regulations.

By year's end, the Government had not promulgated any regulations governing news provided by Internet content providers. However, the Propaganda Department issued warnings to some providers who carry foreign media reports. One representative of a Western Internet content provider operating in the country stated that, while his organization will not completely stop using foreign media reports, it will focus on international and entertainment news when relaying foreign media reports, rather than on domestic affairs. However, web sites are restricted in their ability to post foreign news stories. In October 1999 new rules restricted Chinese news sites from creating links to foreign news sites. The links disappeared temporarily but were back in December 1999. During the year, such links sometimes were blocked and sometimes were available. In January the Government issued regulations requiring any commercial web site with a cyber news service to first get approval from the Information Office before being allowed to apply for a business license. According to official media reports, the China Finance Information Network, a web site based in Wuhan, was fined and temporarily closed in May for carrying a report that authorities claimed was false. The story, regarding corruption on the part of the vice governor of Hubei Province, was from The Sun, a Hong-Kong based newspaper. On November 7, regulations were published that require web sites to

use news from state controlled media, to obtain approval before posting news from foreign news sources, and to follow strict editorial conditions before generating their own news items. Other regulations were set up punishing persons who store, process, or retrieve information deemed to be "state secrets" from international computer networks. The regulations require any company or individual running a chat room, news group, or electronic bulletin board to get approval from the State Bureau of Secrecy. In spite of new regulations, dissident groups, including Falun Gong, increasingly used sophisticated methods to bypass Internet site blocks and to publish online magazines posing as bulk e-mail. News articles from foreign Chinese-language newspapers such as Singapore's United Morning News often are carried on web sites, and hundreds of newspapers have web sites.

E-mail and e-mail publications are more difficult to block, although the Government attempts to do so, at times, by blocking e-mail from all overseas Internet service providers used by dissident groups. There have been reports that the Government is trying to develop an e-mail filtration system to block antigovernment messages from entering the country; a project on such a system at Shenzhen University in Guangdong reportedly is sponsored by the Ministry of Education. Human Rights Watch reported that in May 1999 the Ministry of Labor and Social Security (MOLSS) installed monitoring devices at the facilities of Internet service providers that can track individual e-mail accounts. The authorities also target some e-mail users and read their e-mail. According to a press report, police have installed monitoring equipment on the servers of the country's major Internet service providers. However, activists use a wide range of antifiltering countermeasures. Dissident groups abroad use e-mail to send publications and disseminate information to readers in China, and a small but growing number of activists within the country communicate this way as well. Email to certain addresses overseas is blocked but the blocking is easily overcome by sophisticated Internet users. Dissident electronic journals and web sites from overseas also use various measures to avoid blocking. Citizens who supply large numbers of e-mail addresses to organizations abroad have been prosecuted. The authorities generally do not prosecute citizens who receive dissident e-mail publications, but forwarding such messages to others is illegal. When a dissident is harassed or detained, activists using e-mail, faxes, telephones, and pagers can spread the word quickly to colleagues around the country and to the international community.

Despite the restrictions on the Internet, and the fact that direct attacks on the Government and references to sensitive matters such as the Tiananmen massacre and the Government's handling of Falun Gong are not allowed, information and discussion on other topics, such as the environment and corruption, can be very pointed. Participants in Internet forums regularly express politically unacceptable views, including contributors to state-run web pages, and those run by the People's Daily.

The Government does not fully respect academic freedom and continues to impose ideological controls on political discourse at colleges, universities, and research institutes. Scholars and researchers report varying degrees of control regarding the issues that they may examine and the conclusions that they may draw. Censorship of written material comes at the time of publication, or when intellectuals and scholars, anticipating that books or papers on political topics would be deemed too sensitive to be published, exercise selfcensorship. In areas such as economic policy or legal reform, there generally was greater official tolerance for comment and debate; however liberal scholars and intellectuals from many disciplines were under greater pressure from the Government during the year. Early in the year, Liu Junning was dismissed from the Chinese Academy of Social Sciences. Liu and another liberal scholar publicly had criticized national leaders or policies. Attacks against Liu and another liberal scholar, including a speech by Jiang Zemin, were published in government newspapers in early April, and according to press reports, publications were prohibited from publishing works of some of the scholars. Many other liberal scholars also reportedly were criticized by the authorities. Some observers believed that this action was meant to send a message to other leading intellectuals as to the limits of allowable discourse and would have a chilling effect. There have been reports that liberal intellectuals have been more circumspect in articulating unorthodox ideas since this incident and have engaged in a heightened degree of self-censorship. When Yu Jie, a well-known essayist and liberal social commentator, arrived to take up a post at the Chinese Modern Language Institute (a branch of the China Writer's Association) in the fall, he was told that the offer had been rescinded. Yu reportedly has had difficulty recently getting his works published, and publishers reportedly have been ordered not to publish further editions of his previous works. According to a news report, economist and author He Qinglian was forced out of her job as a columnist with a paper in Shenzhen because of her pointed comments on corruption and inequity in the economy.

Early in the year, the Government also ordered university groups to obtain permission before inviting outside speakers. In March a longstanding Chinese language program run by a foreign university was required to alter its curriculum to eliminate certain items deemed politically sensitive and material that "portrayed the country in a bad light" as a condition for the program's renewal. On June 4, Beijing University student Jiang Xulin was detained for publicly displaying an essay urging the Chinese Communist Party to reassess the 1989 Tiananmen massacre.

The Government continues to use political attitudes as criteria for selecting persons for Government-sponsored study abroad but does not impose such restrictions on privately sponsored students (who constitute the majority of students who study abroad).

Researchers residing abroad also have been subject to sanctions from the authorities when their work does not meet with official approval. On January 29 Song Yongyi, a librarian and academic researcher from Dickinson College who had been arrested in August 1999 and charged with "the purchase and illegal provision of intelligence to persons outside China," was released from prison. Song, an expert on the Cultural Revolution, had traveled to the country to collect materials such as newspaper articles, books, and other publicly available information regarding that period, as he had on several previous occasions. His detention raised concerns about a possible chilling effect on other Chinese researchers, whether resident in the country or abroad. There also was concern that collaborative research with foreigners may become more difficult. In 1999 Hua Di, a Stanford researcher, was sentenced to 15 years in prison for providing missile program secrets to persons abroad; his conviction was overturned in mid-March (see Section 1.c.). Hua was reconvicted on November 23 and sentenced to 10 years in prison.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government severely restricts this right in practice. The Constitution stipulates that such activities may not challenge "Party leadership" or infringe upon the "interests of the State." Protests against the political system or national leaders are prohibited. Authorities deny permits and quickly move to suppress demonstrations involving the expression of dissenting political views.

At times police used excessive force against demonstrators. Demonstrations with political or social themes often were broken up quickly and violently. The number of persons who participate in demonstrations is often difficult to verify, and estimates of the numbers of participants vary. Hong Kong-based human rights groups allege that 1,200 persons were detained between June 18 and June 25 during protests and public demonstrations by Falun Gong practitioners in 9 provinces. Falun Gong attempted to organize gatherings on Tiananmen Square throughout the year, especially on special anniversaries; such protests were often broken up violently by the police and security forces. In July Falun Gong practitioners attempted to unfurl banners or shout slogans to mark the first anniversary of the banning of Falun Gong. At that time, diplomats and journalists witnessed several hundred Falun Gong practitioners being arrested and several persons being beaten. Authorities prevented some demonstrations with possible political overtones from taking place or dispersed those underway, and in at least one city, Shenyang, local government officials banned public demonstrations effective July 20, although demonstrations continued to take place. In May due to concerns about large gatherings taking place around the June 4 anniversary of the Tiananmen Square massacre, the authorities banned a planned memorial march for a university student who had been raped and killed. Authorities also broke up a June 4 gathering of 30 persons at Beijing University that was held to commemorate the Tiananmen massacre's victims and arrested two participants. Other small gatherings of dissidents planned on and around the June 4 anniversary were broken up in Beijing and Xian (see Section 1.d.).

In many cases, the authorities dealt with economic demonstrations more leniently (see Section 6.a.), but some economic demonstrations were also dispersed with the use of force. In February mine workers in Liaoning Province clashed with police and military officers for 3 days after the closure of a mine was announced; the miners, although given a severance package, were owed 18 months' wages (see Section 6.a.). The area was briefly placed under martial law. In May up to 2,000 unpaid workers reportedly protested at their factory and at local government offices in Liaoyang, Liaoning Province; the demonstration was eventually forcibly broken up by the police. Dozens were reported injured, and three persons were arrested (see Sections 1.c. and 6.a.). In June a Hong Kong human rights group reported that in Yantou village, Zhejiang Province, 20 residents and 5 policemen were injured when police clashed with village residents over plans to demolish 200 homes. According to Western press reports, in July 100 villagers were hurt, 40 policemen were injured, and 1 policeman was killed in clashes between security forces and villagers over a water

project in drought-stricken Anqui City in Shandong. Also in July, there were press reports that police beat 5 villagers in Xian protesting against the local Government's failure to compensate them for requisitioned land. In August credible reports indicated that 1 person was killed and approximately 100 were injured as thousands of farmers in Fengcheng City, Jiangxi Province, clashed with police in week-long riots sparked by anger over high taxes.

Despite restrictions in Beijing and elsewhere, the number of demonstrations nationwide continued to grow. According to a Public Security Ministry report, in 1999 more than 100,000 demonstrations took place, up from 60,000 in 1998. Demonstrations related to economic grievances and official corruption were common, and demonstrations related to family planning continued. Some demonstrations included thousands of protesters. Authorities handled many protests with restraint, especially those concerned with economic issues. According to a Hong Kong-based human rights organization, 500 workers in Fuzhou demonstrated in July in front of provincial government buildings to protest plans to close their factory. Also in July, 200 peasants in Yinxi town, Anhui, protested Government orders to tear down their homes to build an airfield. In May hundreds of university students in Beijing protested Beijing University's handling of the killing of a female student.

The Constitution provides for freedom of association; however, the Government restricts this right in practice. Communist Party policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the Government. Ostensibly aimed at restricting secret societies and criminal gangs, these regulations also prevent the formation of truly autonomous political, human rights, religious, environmental, labor, and youth organizations that directly challenge government authority. Since November 1999, all concerts, sports events, exercise classes or other meetings of more than 200 persons must be approved by Public Security authorities. According to Human Rights Watch, in November 1999, An Jun, an attorney who formed an organization called "Corruption Watch" to expose local corruption, was put on trial. In April he was sentenced to 4 years in prison on charges of inciting the overthrow of the Government. An had attempted to register the organization legally with the Ministry of Civil Affairs, but it was banned.

There are no laws or regulations that specifically govern the formation of political parties. The Government moved decisively, using detentions and prison terms, to eliminate the CDP, which activists around the country had tried since 1998 to organize into the country's first opposition political party (see Section 1.d.).

According to Government statistics, by the end of 1998, there were 1,500 national-level, quasi-nongovernmental organizations, 165,000 social organizations, and 700,000 nonprofit organizations registered with the Ministry of Civil Affairs. Although these organizations all came under some degree of government control, they were able to develop their own agendas. Many had support from foreign NGO's. Some sought advocacy roles in less controversial public interest areas such as women's issues, the environment, and consumer rights. In October 1998 the Government promulgated a revised and more complete set of regulations on the registration of NGO's. The new rules require that all NGO's reregister under the revised regulations, a process that may be used to further restrict the numbers and types of NGO's. Regulations stipulate that local-level NGO's must have an official office and at least \$3,600 (30,000 RMB) in funds. National-level groups must have at least \$12,000 (100,000 RMB). Applications must be vetted by the Government, which has 2 months in which to grant approval. Once established, groups are required to submit to regular oversight and "obey the Constitution, laws, and national policies." They must not "violate the four cardinal principles, damage national unity, or upset ethnic harmony." Violators (groups that disobey guidelines or unregistered groups that continue to operate) may face administrative punishment or criminal charges. It is difficult to estimate how many groups may have been discouraged from organizing NGO's due to the new regulations. However, preexisting groups report little or no additional interference by the Government since the new regulations came into effect.

During the year, poet Ma Zhe was charged with subversion and sentenced to 5 years in prison for setting up the "Cultural Revival Movement," which advocated the end of Communist Party control over artists and their cultural and literary works. In July Kong Youping, the would-be founder of the "China Youth Association," was arrested and charged with subversion.

c. Freedom of Religion.—The Constitution provides for freedom of religious belief and the freedom not to believe; however, the Government seeks to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of religious groups. There are five officially recognized religions—Buddhism, Taoism, Islam, Protestantism, and

Catholicism. For each faith, there is a government-affiliated association to monitor and supervise its activities. Membership in religions is growing rapidly; however, while the Government generally does not seek to suppress this growth outright, it tries to control and regulate religious groups to prevent the rise of groups or sources of authority outside the control of the Government and the Chinese Communist Party. The Criminal Law states that government officials who deprive citizens of religious freedom may be sentenced to up to 2 years in prison in serious cases. However, there are no known cases of persons being punished under this statute.

During the year, the Government's respect for religious freedom continued to deteriorate. The Government intensified its harsh crackdown against the Falun Gong movement and extended its actions to "cults" in general. In some regions, the atmosphere created by the nationwide campaigns against cults and superstition had spill-over effects on other unofficial faiths. Various sources report that approximately 100 or more Falun Gong adherents died during the year while in police custody; many of their bodies reportedly bore signs of severe beatings or torture, or were cremated before relatives could examine them (see Section 1.c.). A number of qigong (a traditional Chinese health regimen with mystical overtones) and Protestant house church groups were banned. House church groups in northeastern China reported more detentions and arrests than in recent years (see Section 1.d.), and in some areas officials destroyed hundreds of unregistered houses of worship. In many regions with high concentrations of Catholics, relations between the Government and the underground church loyal to the Vatican remained tense. The situation in Tibet was particularly poor, as the Government intensified and expanded its "patriotic education" campaign aimed at neutralizing lamas, monks, and nuns with sympathies to the Dalai Lama (see Tibet addendum). Apolitical religious activities that had been tolerated in the past in Tibet were more tightly restricted during the year and in some cases were not permitted. Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be tight in Xinjiang, and the Government dealt harshly with Muslim religious leaders who engaged in political speech and activities that the authorities deemed separatist.

The state arrogates to itself the right to recognize and thus to allow to operate particular religious groups and spiritual movements. The State Council's Religious Affairs Bureau (RAB) is responsible for monitoring and judging the legitimacy of religious activity. The RAB and the Communist Party United Front Work Department (UFW), both of which are staffed by officials rather than religious adherents, provide policy "guidance and supervision" over implementation of government regulations on religious activity, as well as the role of foreigners in religious activity. During a 1999 speech, President Jiang Zemin noted the Party's policy on freedom of religious belief but also called for stronger leadership over religious work and intensified management of religious affairs. He added that "we should energetically give guidance to religion so that it will keep in line with the socialist society and serve ethnic unity, social stability, and modernization."

The Government continued and, in some areas, intensified a national campaign to enforce 1994 State Council regulations and subsequent provincial regulations that require all places of worship to register with government religious affairs bureaus and to come under the supervision of official "patriotic" religious organizations. The Government officially permits only those Christian churches affiliated with either the Catholic Patriotic Association/Catholic Bishops Conference or the (Protestant) Three-Self Patriotic Movement/Chinese Christian Council to operate openly. There are six requirements for the registration and establishment of venues for religious activity: Possession of a meeting place; citizens who are religious believers and who regularly take part in religious activity; qualified leaders and an organized governing board; a minimum number of followers; a set of operating rules; and a legal source of income. There are reports that despite the rapidly growing religious population, it is difficult for new places of worship to be registered even among the five officially recognized faiths.

At the end of 1997, the Government reported that there were more than 85,000 approved venues for religious activities. Some groups registered voluntarily, some registered under pressure, while authorities refused to register others. Unofficial groups claimed that authorities often refuse them registration without explanation. The Government contends that these refusals were mainly the result of inadequate facilities and meeting spaces. Many religious groups have been reluctant to comply with the regulations out of principled opposition to state control of religion or due to fear of adverse consequences if they reveal, as required, the names and addresses of church leaders and members. In some areas, efforts to register unauthorized groups are carried out by religious leaders and civil affairs officials. In other regions, police and RAB officials performed registration concurrently with other law enforcement actions. Police closed scores of "underground" mosques, temples, sem-

inaries, Catholic churches, and Protestant "house churches," including many with significant memberships, properties, financial resources, and networks. Some were destroyed; others were confiscated by authorities for other uses. It has been estimated that approximately 450 churches and temples were closed, destroyed, or confiscated for other uses during the weeks prior to December 25 in Wenzhou, and as many as 1,200 churches and temples were closed, destroyed, or confiscated by authorities for other uses in surrounding areas of Zhejiang Province during that same time. Leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse.

In some areas there are reports of harassment of churches by local RAB officials which is attributed, at least in part, to financial issues. For example, although regulations require local authorities to provide land to church groups, some local officials may try to avoid doing so by denying registration, thus avoiding the requirement to provide land. Official churches also may face harassment if local authorities wish to acquire the land on which a church is located. In addition to refusing to register churches, there are also reports that RAB officials have requested illegal "donations" from churches in their jurisdictions as a means of raising extra revenue.

There is significant variation in how the authorities deal with unregistered religious groups. In certain regions, Government supervision of religious activity is minimal, and in some parts of the country, registered and unregistered churches are treated similarly by authorities, existing openly side by side. Coexistence and cooperation between official and unofficial churches in such areas, both Catholic and Protestant, is close enough to blur the line between the two. In these areas, many congregants worship in both types of churches. However, in some areas relations between the two churches remain hostile. In other regions, particularly where considerable unofficial and official religious activity takes place, such as in Zhejiang, Guangxi, Shanghai, and Chongqing, local regulations call for strict government oversight of religion and authorities have cracked down on unregistered churches and their members. The relationship between unregistered and registered churches can be tense in such areas. During the year, some unregistered religious groups were subjected to increased restrictions, and, in some cases, intimidation, harassment, and detention. Some house church members asserted that authorities continued efforts to register house churches and to harass those who resist, especially in Henan and Shandong Provinces. Throughout the year, the Government moved swiftly against houses of worship outside its control that grew too large or espoused beliefs that it considered threatening to "state security."

The law does not prohibit religious believers from holding public office; however, most influential positions in government are reserved for Party members, and Communist Party officials state that Party membership and religious belief are incompatible. This has a disproportionate effect in such minority-inhabited areas as Xinjiang and Tibet. Party membership also is required for almost all high-level positions in government and in state-owned businesses and organizations. The Communist Party reportedly issued a circular in 1997 ordering Party members not to adhere to religious beliefs. This followed a 1995 document circulated to Party organizations at the provincial level ordering the expulsion of Party members who belonged to any religious organization, whether open or clandestine. There were reports that the Government issued a circular in early 1999 to remind Party cadres that religion was incompatible with Party membership, a theme reflected in authoritative media. President and CCP General Secretary Jiang Zemin stated in a September 1999 speech that "Party members of all ethnic groups must have a firm faith in socialism and communism, cannot believe in religion, cannot take part in or organize religious activities, and cannot take part in feudal superstitious activities." On March 11, the Party's flagship newspaper, the People's Daily, published a commentary on religious affairs work. The article urged all Party members to "promote atheist thought in a positive way and persist in educating the masses of various ethnic groups with the Marxist perspective on religion." While the commentary also called on the Party to protect "citizens' freedom of religious belief," it warned that "hostile forces outside (China's) borders and separatist forces are taking advantage of ethnicity and religion to bring about political infiltration and the separation of the motherland." Muslims allegedly have been fired from government posts for praying during working hours. The "Routine Service Regulations" of the People's Liberation Army (PLA) state explicitly that servicemen "may not take part in religious or superstitious activities." Party and PLA military personnel were expelled for adhering to the Falun Gong movement; there is no available information indicating whether Party or PLA military personnel were expelled for associating with other religious or spiritual/mystical groups. However, according to government officials, in certain localities as many as 20 to 25 percent of Communist Party officials engage in some kind of religious activity. Most officials who practice a religion are Buddhist

or practice a folk religion. Religious figures, who are not members of the CCP, are included in national and local government organizations, usually to represent their constituency on cultural and educational matters. The National People's Congress includes several religious leaders, including Pagbalha Geleg Namgyai, a Tibetan "living Buddha," who is a vice chairman of the Standing Committee of the NPC. Religious groups also are represented in the Chinese People's Political Consultative Conference, a forum for "multiparty" cooperation and consultation led by the Chinese Communist Party, which advises the Government on policy.

The authorities permit officially sanctioned religious organizations to maintain international contacts that do not entail "foreign control." What constitutes "control" is not defined. Regulations enacted in 1994 and expanded in September codified many existing rules involving foreigners, including a ban on proselytizing by foreigners, but for the most part foreign nationals are allowed to preach to foreigners, bring in religious materials for personal use, and preach to citizens at churches, mosques, and temples at the invitation of registered religious organizations. Collective religious activities of foreigners also are required to take place at officially registered places of worship or approved temporary locations. Foreigners are not permitted to conduct missionary activities, but foreign Christians teach English and other languages on college campuses with minimum interference from authorities as long as their proselytizing is low key. There were reports in early 1999 that the Government issued a circular to tighten control over foreign missionary activity in the country. However, there was no evidence of further tightening during the year. On March 25, police raided a house church service in Jilin and confiscated the Bible and camera of a foreigner who was in attendance. The foreign Christian subsequently was fined, and one local official described the house church service as a "heretical religious activity."

According to an official government white paper, there are over 200 million religious adherents, 3,000 religious organizations, 300,000 clergy, and 74 religious colleges. Official religious organizations administer local Bible schools, 54 Catholic and Protestant seminaries, 9 institutes to train imams and Islamic scholars, and institutes to train Buddhist monks. Students who attend these institutes must demonstrate "political reliability," and all graduates must pass an examination on their theological and political knowledge to qualify for the clergy. The Government permitted limited numbers of Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies. In most cases, funding for these training programs is provided by foreign organizations. Both official and unofficial Christian churches have problems training adequate numbers of clergy to meet the needs of their growing congregations. However, due to government prohibitions, unofficial churches have particularly significant problems training clergy or sending students to study overseas, and many clergy receive only limited and inadequate preparation. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents (see Section 2.d.).

Since the end of the Cultural Revolution, the Government has restored or replaced some churches, temples, mosques, and monasteries damaged or destroyed between 1966 and 1976, and allowed the reopening of some seminaries. Implementation of this policy has varied from locality to locality. However, there are far fewer temples, churches, or mosques than existed 50 years ago (before the Revolution), despite the recent increase in the number of religious believers. The difficulty in registering new places of worship, along with the decrease in places of worship, has led to crowding in many existing places of worship.

Approximately 8 percent of the population are Buddhist, approximately 1.6 percent are Muslim, and an estimated 0.4 percent belong to the official Patriotic Catholic Church. An estimated 0.4 to 0.8 percent belong to the unofficial Vatican-affiliated Catholic Church, an estimated 0.8 percent to 1.2 percent are registered Protestants, and perhaps 2.4 to 6.5 percent worship in house churches that are independent of Government control. There are no available estimates of the number of Taoists. However, according to a 1997 Government publication, there are over 10,000 Taoist monks and nuns and over 1,000 Taoist temples.

Traditional folk religion (worship of local gods, heroes, and ancestors) of a majority of the population has experienced a revival in recent years and is tolerated to varying degrees as a loose affiliate of Taoism, or as an ethnic minority cultural practice; however, many manifestations of folk religion are officially considered to be "feudal superstition," and local authorities have destroyed thousands of local shrines.

Buddhists make up the largest body of organized religious believers. The Government estimates that there are more than 100 million Buddhists in the country, most of whom are from the dominant Han ethnic group. However, it is difficult to esti-

mate accurately the number of Buddhists because they do not have congregational memberships and often do not participate in public ceremonies. The Government reports that there are 13,000 Buddhist temples and monasteries and more than 200,000 nuns and monks. In some areas, local Governments enforced strictly regulations on places of worship, particularly on illegally constructed Buddhist temples and shrines. In 1998 a senior provincial party official stated that goals for the coming year were to "tighten management of places of religious activities, properly handle issues concerning the indiscriminate establishment of temples and the setting up of outdoor Buddha statues, and crack down on heretical religious organizations and illegal religious activities."

Tibetan Buddhists outside of the Tibet Autonomous Region (TAR) have more freedom to practice their religion than those in the TAR, although significant restrictions remain. The number of monks outside the TAR is substantial and growing—as is the number of teaching monks with advanced education—and the reconstruction of monasteries continues. However, restrictions remain, especially at those monasteries with close ties to foreign organizations. Monks who study abroad are often prevented from returning to their home monasteries outside of the TAR. There continue to be reports of monks and nuns outside of the TAR who have left monasteries and nunneries to avoid the patriotic education campaigns, which force them to choose between signing oaths with political content or possibly suffering serious consequences if they refuse to do so. (A discussion of government restrictions on Tibetan Buddhism in the TAR can be found in the Tibet addendum to this report.)

In the past, official tolerance for religions considered traditionally Chinese, such as Buddhism and Taoism, has been greater than that for Christianity. However, as these non-Western faiths have grown rapidly in recent years, there are signs of greater government concern and new restrictions, especially on syncretic sects.

According to government figures, there are 20 million Muslims, 35,000 Islamic places of worship, and more than 45,000 imams nationwide. The Government has stated that there are 10 colleges conducting Islamic higher education and 2 other Islamic schools in Xinjiang operating with government support. In some areas where ethnic unrest has occurred, particularly among Central Asian Muslims (and especially the Uighurs) in Xinjiang, officials continue to restrict the building of mosques and the religious education of youths under the age of 18.

Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be tight in Xinjiang, and the Government dealt harshly with Muslim adherents who engaged in political speech and activities that the authorities deemed separatist. AI reported that Jelil Turdi, an ethnic Uighur from Xinjiang, who had been living in Kyrgyzstan for 3 years, was deported back to China for allegedly separatist activities. In October Wang Lequan, secretary of the Xinjiang Party Committee reminded Party members that "cadres at all levels should adhere consciously to Marxist atheism. Do not believe in religion, do not take part in religious activities." Provincial-level Communist Party and government officials repeatedly called for stronger management of religious affairs and for the separation of religion from administrative matters. For example, the official Xinjiang Legal Daily reported that in recent years a township in Bay (Baicheng) County had found cases of "religious interference" in judicial, marriage, and family planning matters. In response the authorities began conducting monthly political study sessions for religious personnel. In addition they required every mosque to record the numbers and names of those attending each day's activities. The official Xinjiang Daily reported that Yining County early in the year reviewed the activities of 420 mosques and implemented a system of linking ethnic cadres to mosques in order to improve vigilance against "illegal religious activities." The authorities also initiated a campaign to discourage overt religious attire such as veils and to discourage religious marriage ceremonies. There were numerous official media reports that the authorities confiscated "illegal religious publications" in Xinjiang. According to a July report of the International Coalition for Religious Freedom, since April 1996, only one publisher, the Xinjiang People's Publication House, has been allowed to print Muslim literature in Xinjiang. Human Rights Watch also reported a tightening of control over the teaching materials, curricula, and leadership of mosques and religious schools in 1999. HRW also reported that six imams from Hotan City and Karakash County were detained toward the end of 1999 in part for non-compliance with religious regulations and for failing to teach government policy at religious meetings.

Religious/ethnic tensions began to rise in September in Shandong Province when a non-Muslim merchant improperly labeled meat as being fit for consumption by observant Muslims. Disputes and insults between Muslims and non-Muslims followed, leading to angry demonstrations that led to a clash with police. In mid-December, according to an official press report, police clashed in Yangxin County with Muslim Hui, who were protesting a lack of respect for their religion. The police killed 6 Hui

and injured 19; 13 police officers also were injured. According to foreign press reports, the Hui casualties occurred when police fired on the crowd of protesters after they refused to disperse. Following a central government and Party investigation, the Shandong provincial authorities fired the Yangxin County party secretary, the head of the Yangxin County government, and the chief of the county's Public Security Bureau.

In some areas, particularly in areas traditionally populated by the non-Central Asian Hui ethnic group, there is substantial religious building construction and renovation. Some young Uighur Muslims study outside the country in Muslim religious schools.

The Government permits, and in some cases subsidizes, Muslim citizens who make the hajj (pilgrimage) to Mecca. According to government statistics, more than 45,000 Muslims have made the pilgrimage in recent years—5,000 in 1998. However, there have been nongovernmental reports that fewer persons have made the pilgrimage since 1998; according to some estimates, less than 2,500 persons went in 1999 and 2000. There are many more Muslims in the country with the means and desire to participate in the hajj than are allowed to do so, leading to official corruption in granting permission to participate in the pilgrimage. There are conflicting reports as to the ability of Uighur Muslims to go on pilgrimage.

The Government takes some steps designed to show respect for the country's Muslims, such as offering congratulations on major Islamic holidays. However, government sensitivity to concerns of the Muslim community is limited. In 1998 a Qing dynasty mosque, which was the center of Muslim life in Chengdu, was destroyed in the city's Muslim quarter to make way for a boulevard near an expanded city square, despite strong opposition from the city's Muslim population. The construction of a new mosque over a complex of retail establishments further offended the community. At the end of 1999, no construction upon the site of the Qing dynasty mosque had yet occurred; the imam, or leader, of the mosque that was demolished was ordered to leave Chengdu and has been forbidden to engage in religious work. The new officially sanctioned mosque over the retail complex has been attended only lightly since its opening.

The unofficial, Vatican-affiliated Catholic Church claims a membership far larger than the 5 million persons registered with the official Catholic Church. Precise figures are difficult to determine, but Vatican officials have estimated that there are as many as 10 million adherents. According to official figures, the Government-approved Catholic Church has 69 bishops, 5,000 clergy, and about 5,000 churches and meeting houses. There are 60,000 baptisms each year. The Government so far has refused to establish diplomatic relations with the Holy See, and there is no Vatican representative in the country. The Government's refusal to allow the official Catholic church to recognize the authority of the Papacy in matters of faith and morals has led many Catholics to refuse to join the official Catholic church on the grounds that this refusal denies one of the fundamental tenets of their faith.

In January bishops of the official Catholic Church, without consulting the Holy See, consecrated 5 new official church bishops on the same day that the Pope consecrated 12 new Roman Catholic bishops in Rome. This was also the day on which the Pope historically consecrates bishops chosen for special recognition. Some bishops of the official church reportedly refused to attend the Beijing ceremony, which was seen as a deliberate affront to the Vatican. In June a new bishop was ordained in Hangzhou by several bishops, including one of those ordained in January. On the October 1st anniversary of the founding of the People's Republic, the Vatican canonized 120 saints with ties to China, 86 of whom had been killed during the Boxer Rebellion. The state-run media sharply criticized the canonizations. These incidents and the tensions between the Government and the Vatican have caused leadership problems for the official Catholic Church. Some bishops in the official Catholic Church are not recognized by the Holy See, although many have been recognized privately. Some church members and other clerics within the official Catholic Church have indicated that they are unwilling to accept the authority of bishops ordained without Vatican approval.

The Party's Central Committee issued a document on August 16, 1999, calling on the authorities to tighten control of the official Catholic Church and to eliminate the underground Catholic Church if it does not accede to Government control. There are many longstanding vacancies in the official Catholic administration, particularly among bishops, and there are reports that the RAB and the official church patriotic association are pressuring the church to fill the vacancies quickly. In recent months, there has been increasing pressure by the Chinese Catholic Patriotic Association, the Religious Affairs Bureau, and police authorities on the underground church to join the official church.

The Government maintains that there are between 10 and 15 million registered Protestants, 18,000 clergy, over 12,000 churches, and some 25,000 meeting places. According to foreign experts, perhaps 30 million persons worship in house churches that are independent of Government control, although estimates by some house church groups range as high as 80 million. There are reports of divisions within both the official Protestant church and the house church movement over issues of doctrine; in both the official and unofficial Protestant churches, there are groups with conservative views and groups with more unorthodox views.

The ongoing growth of unofficial Christian churches continued to cause concern among many government and Communist Party officials who perceive unregulated religious gatherings as a potential challenge to their authority, a threat to public order, and an alternative to Socialist thought. Both Catholic and Protestant underground churches came under increasing pressure during the year. Authorities in some areas continued a concerted effort to crack down on the activities of unapproved Catholic and Protestant churches. In some areas, security authorities used threats, demolition of buildings, extortion of "fines," interrogation, detention (sometimes prolonged), and at times beatings and torture to harass unofficial Christian religious figures and followers. In April the Fujian Provincial Government convened a meeting of religious affairs workers in order to exhort them to "ensure stability in religious circles and lead religious circles in making new and greater contributions to socialist material and spiritual civilization." At the meeting, a provincial leader also called on all religious affairs workers to "firmly establish a Marxist outlook on religion." Implementing regulations, provincial work reports, and other government and party documents continued to exhort officials to enforce vigorously government policy regarding unregistered churches. Since 1998 Guangdong Province has had highly restrictive religious regulations. In 1999 Zhejiang Province also promulgated religious affairs regulations that stipulated that "illegal" property and income would be confiscated from those who: "1) preside over or organize religious activities at places other than those for religious activities or at places not approved by a religious affairs department; 2) do missionary work outside the premises of a place of religious activity; and 3) sponsor religious training activities without obtaining the approval of a religious affairs department at or above the county level." Regulations in Guangxi, Shanghai, and Chongqing also call for strict government oversight. Authorities particularly targeted unofficial religious groups in Beijing and the Provinces of Henan and Shandong, where there are rapidly growing numbers of unregistered Protestants, and in Hebei, a center of unregistered Catholics. However, during the year there were reports that small family churches, generally made up of family members and friends, which conduct activities similar to those of home Bible study groups, usually were tolerated by the authorities as long as they remained small and unobtrusive. Family churches reportedly encounter difficulties when their memberships become too large, when they arrange for the use of facilities for the specific purpose of conducting religious activities, or when they forge links with other unregistered groups.

There were many religious detainees and prisoners. In some cases, public security officials have used prison or reformatory-through-education sentences to enforce regulations. In Hebei, where perhaps half of the country's Catholics reside, friction between unofficial Catholics and local authorities continued. Hebei authorities have been known to force many underground priests and believers to make a choice of either joining the Patriotic Church or facing punishment such as fines, job loss, periodic detentions, and, in some cases, having their children barred from school. Some were forced into hiding. According to a Hong Kong human rights organization, on March 2, 15 members of the China Evangelistic Fellowship were arrested while holding a service in Nanwang City, Henan Province. Two of the group's leaders, Jiang Qinggang and Hao Huaiping, reportedly faced reeducation-through-labor sentences. The director of the Government's RAB had labeled the fellowship publicly as a "cult" at the end of 1999. There were reports in May that local authorities in Zhejiang Province had closed down seven Catholic churches because they failed to join the official Catholic Church. In May Father Jiang Shurang, an underground priest in Zhejiang Province, was sentenced to 6 years in prison for illegally printing Bibles and other religious material. Roman Catholic Bishop Zeng Jingmu, released from a labor camp in 1998, was reportedly rearrested in Jiangxi on September 14 during the visit of a high-ranking foreign Cardinal; the Government denied those reports. The whereabouts of Roman Catholic Bishop Su Zhimin, whose followers report that he was arrested in 1997, remained unclear. Underground Catholic sources in Hebei claimed that he still was under detention, while the Government denied having taken "any coercive measures" against him. Reliable sources reported that Bishop An Shuxin, Bishop Zhang Weizhu, Father Cui Xing, and Father Wang Quanjun remained under detention in Hebei. Bishop Liu reportedly remained under

house arrest in Zhejiang Province. According to a Freedom House report, in the last half of 1999, four Catholic bishops reportedly were detained or arrested for refusing to join the official church or for conducting unauthorized services. The four were Bishop Jia Zhiguo, Bishop Xie Shiguang, Bishop Lin Xili, and Bishop Han Dingxiang. All of the bishops reportedly were arrested for refusing to join the official church or for conducting unauthorized services. On February 10 in Fujian Province, a large group of police arrested 80-year-old underground Catholic Bishop Yang Shudao. The Government has denied that the elderly bishop is being detained and has claimed that he is receiving medical treatment. According to several NGO's, a number of Catholic priests and lay leaders were beaten or otherwise abused during the year. Underground Catholic Bishop Joseph Fan Zhongliang of Shanghai remained under surveillance and often had his movements restricted.

Some Protestant house church groups reported more frequent police raids of worship services and detentions than in previous years. According to the Jianghuai Morning Daily in Anhui Province, on April 9, police detained 47 members of the unregistered Full Scope Church, whose leader, Xu Yongze, was released from prison only in May, although his 3-year sentence ended in March. Although he was released from a labor camp, it is unclear whether Xu remains subject to some restrictions. According to the newspaper, six church leaders were to face criminal charges for organizing an "illegal sect," while eight others likely would receive "administrative" (usually meaning reeducation-through-labor) sentences. The Government's 1997 White Paper on Religious Freedom stated that Xu had violated the law by promoting a cult, preaching that the Apocalypse was near, and asking worshippers to wait in public spaces for several consecutive days. Group members deny these charges. Xu's colleagues Qin Baocai and Mu Sheng are believed to continue to serve reeducation-through-labor sentences. Pastor Li Dexian was detained in April for 15 days, during which time he was forced into a crouch for 3 days, unable to sleep or use toilet facilities, with his wrists and ankles manacled together. Li also has been detained on other occasions and reports that in some instances he was beaten. According to credible reports, on May 16, 2000, seven house churches were raided in Guangdong Province. According to a press release of Christian Solidarity International, more than 10 house church leaders were arrested in the raids. Several house churches also were closed by the authorities. In May seven evangelical Christians were arrested in Henan for violating the "Three Designates" policy that limits religious services to specific venues, requires leaders to preach only within specific areas, and fixes the number of persons permitted to preach. In early August, police detained 31 members of an underground Protestant church in Hubei's Guangshui City. In Henan a week later, 12 members of an underground Protestant church were arrested. On August 23, police arrested 130 members of a house church headquartered in Fangcheng City, Henan Province, after they held services with 3 foreign members of a Protestant fellowship organization. Authorities stated that the Fangcheng church was a "cult" that had been banned. On August 25, the three foreign church members were released and deported; they reported being beaten while in custody. According to NGO reports, 85 of those arrested from the Fangcheng church were charged on August 25 with crimes such as "using an illegal cult to obstruct justice."

Authorities also conducted demolition campaigns against unregistered places of worship. Beginning in early November, according to local press reports, officials in Wenzhou, Zhejiang Province, and surrounding areas began a campaign to close or destroy, sometimes with explosives, hundreds of unregistered Protestant churches and Buddhist and Taoist temples. Wenzhou has a long Christian history and reportedly counts several hundred thousand Christians among its population. It has been estimated that approximately 450 churches and temples were destroyed during the weeks prior to December 25 in Wenzhou, and as many as 1,200 churches and temples were closed or destroyed in surrounding areas of Zhejiang Province during that time. Officials stated that the places of worship that were closed and destroyed were targeted because they were unregistered and therefore illegal; however, according to some observers, many of the places of worship had attempted to comply with regulations regarding registration, but their paperwork had never been finalized by the RAB. According to some reports, the authorities carried out the campaign due to concern that there were too many unregistered places of worship in the Wenzhou and Luoyang areas, and that too many Party members were joining such groups. Authorities reportedly used criteria such as registration status and the degree of government control (measured by the existence of a Party-approved management committee and the participation of clergy in political study sessions) as criteria for targeting places of worship. Although the campaign appeared to have been carried out at the initiative of local religious affairs officials, central government authorities did not criticize the action or take any measures to reprimand those responsible.

Two persons who tried to stop a demolition were arrested and sentenced to 2 years of reform-through-education. According to press reports, in 1999 more than 20 unregistered Catholic churches were demolished, some with explosives, by the authorities in Changle and other localities in Fujian Province. The churches were destroyed on the grounds that they had been built without the required permit or had been built with the wrong type of permit (such as with a permit for a building other than a church). Most of the churches reportedly were built by local congregations with the aid of remittances from relatives working abroad.

The increase in the number of Christians has resulted in a corresponding increase in the demand for Bibles. During 1999 the Government approved the printing of more than 3 million Bibles, and there currently are more than 22 million Bibles in print. One printing company that is a joint venture with an overseas Christian organization printed over 2.3 million Bibles during 1999, including Bibles in Braille and minority dialects, such as Korean, Jingbo, Lisu, Lahu, Miao, and Yao. Although Bibles can be purchased at some bookstores, they are not readily available and cannot be ordered directly from publishing houses by individuals. However, they are available for purchase at most officially recognized churches, and many house church members buy their Bibles from churches without incident. Nonetheless, some underground Christians hesitate to buy Bibles at official churches because such transactions sometimes involve receipts that identify the purchaser. Foreign experts confirm reports of chronic shortages of Bibles, mostly due to logistical problems in disseminating Bibles to rural areas; the situation has, however, improved in recent years due to improved distribution channels, including through house churches. Customs officials continue to monitor for the "smuggling" of Bibles and other religious materials into the country. There have been credible reports that the authorities sometimes confiscate Bibles in raids on house churches.

In recent years, some local authorities, especially in northeastern China, have subjected worship services of alien residents to increased surveillance and restrictions. In other areas, authorities have displayed increasing tolerance of religious practice by foreigners. Weekly services of the foreign Jewish community in Beijing have been held uninterrupted since 1995, and High Holy Day observances have been allowed for more than 15 years. The Shanghai Jewish community was allowed to hold services in an historic Shanghai synagogue, which had been restored as a museum. Local authorities indicated that the community could use the synagogue in the future for special occasions on a case-by-case basis.

Religious groups that preach beliefs outside the bounds of officially approved doctrine (such as the coming of the Apocalypse, or holy war) or that have charismatic leaders often are singled out for particularly severe harassment. Police continued their efforts to close down an underground evangelical group called the "Shouters," an offshoot of a pre-1949 indigenous Protestant group, which authorities deem to be an antigovernment, counterrevolutionary "cult." Since the early 1980's, authorities repeatedly have detained, fined, or imprisoned its members. Many groups, especially those in house churches, reportedly are viewed by officials as "cults." Some observers have attributed the unorthodox beliefs of some of these groups to under-trained clergy. Others acknowledge that some individuals may be exploiting the re-emergence of interest in religion for personal gain. In October 1999, as part of its anti-Falun Gong crackdown, the Government passed a law outlawing "cults." According to reports, the crackdown on the Falun Gong led to a tightening of controls on all nonofficially sanctioned beliefs. Recent regulations require all qigong groups to register with the Government. Those that did not were declared illegal.

Since mid-1999 the Government has waged a severe political, propaganda, and police campaign against the Falun Gong spiritual movement; the campaign intensified significantly during the year. Falun Gong (or Wheel of the Law, also known as Falun Dafa) blends aspects of Taoism, Buddhism, and the meditation techniques of qigong (a traditional martial art) with the teachings of Li Hongzhi, who left the country in 1998. The Government estimates that there may be as many as 2.1 million adherents of Falun Gong; Falun Gong followers estimate that there are as many as 100 million adherents worldwide. Some experts estimate that the true number of Falun Gong adherents lies in the tens of millions. Despite the mystical nature of some of Li's teachings, Falun Gong does not consider itself a religion and has no clergy or formal places of worship. In July 1999, 3 months after 10,000 Falun Gong adherents had demonstrated peacefully in front of the Zhongnanhai leadership compound in Beijing, the Government officially declared Falun Gong illegal and began a nationwide crackdown. Around the country, tens of thousands of practitioners were rounded up and detained for several days—often in open stadiums—under poor and overcrowded conditions, with inadequate food, water, and sanitary facilities. Practitioners who refused to renounce their beliefs were expelled from schools or fired from jobs. The China Education Daily reported that "political

thought and morality” assessments of applicants to take university exams were expanded to include questions to determine whether applicants were members of Falun Gong. Some detainees were government officials and Communist Party members. A few high-ranking practitioners were forced to disavow their ties to Falun Gong on national television. Government officials who were practitioners were required to undergo anti-Falun Gong study sessions and were prohibited from Falun Gong activities; some were expelled from the Party for refusing to recant their beliefs. The authorities waged an intense propaganda campaign against the group, seized and destroyed Falun Gong literature, and attempted to shut down Falun Gong Internet web sites. Also in July 1999, the Government issued a warrant for the arrest of Falun Gong leader Li Hongzhi, who was charged with holding demonstrations without appropriate permits and disturbing public order. The Government requested INTERPOL’s assistance in apprehending Li, who resides abroad, but INTERPOL declined to assist, on the grounds that the offense was not a crime recognized under the INTERPOL charter, and that the request was political in nature. Late in the year, President Jiang Zemin announced that the campaign against the Falun Gong was one of the “three major political struggles” of 1999. The crackdown on “cults” intensified in late 1999, with press reports stating that restrictions would be tightened on several “cults” and various Christian groups. In late October 1999, as part of the Government’s anti-Falun Gong crackdown, the Standing Committee of the National People’s Congress adopted a decision to ban “cults,” including Falun Gong, under Article 300 of the Criminal Law. Under the decision, cult members who “disrupt public order” or distribute publications can receive prison terms of 3 to 7 years. Cult leaders and recruiters can be sentenced to 7 years or more in prison.

Although the vast majority of practitioners detained later were released, those identified by the Government as “core leaders” were singled out for particularly harsh treatment. On November 30, 1999, Vice Premier Li Lanqing stated that authorities detained over 35,000 practitioners between July 22 and October 30 1999 (the Government later clarified Li’s statement, noting that the figure represented the total number of confrontations of police with adherents and that many persons had multiple encounters with police). In August the Director of the Religious Affairs Bureau stated that 151 Falun Gong practitioners had been convicted of leaking state secrets, creating chaos, or other crimes. According to credible estimates, as many as 5,000 Falun Gong practitioners have been sentenced without trial to up to 3 years of reeducation through labor. Human rights organizations estimate that as many as 300 practitioners have been sentenced to prison terms of up to 18 years for their involvement in Falun Gong. According to the Falun Gong, hundreds of its practitioners have been confined in mental hospitals.

Police often used excessive force when detaining peaceful protesters, including some who were elderly or who were accompanied by small children. During the year, there were numerous credible reports of abuse of Falun Gong practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains) (see Sections 1.a and 1.c.). Various sources report that approximately 100 or more Falun Gong adherents died during the year while in police custody; many of their bodies reportedly bore signs of severe beatings and/or torture, or were cremated before relatives could examine them (see Section 1.c.). Gao Xianmin died in police custody on January 17, 2000. Credible reports indicate that Gao, who was detained with a group of fellow practitioners in Guangzhou on December 31, 1999, was tortured while in custody, including by having high-density salt water forced into his stomach. Police gave no explanation for his death. On February 17, 60-year-old Chen Zixiu was detained in Weihai, Shandong Province, as she attempted to travel to Beijing to join peaceful protests there. Over the next several days, her family received word from another detainee that Chen was being beaten. On February 21, local police informed the family that Chen had died. According to family members, her body was covered with bruises and her teeth and nose were broken. According to press reports, Zhou Zhichang, a practitioner imprisoned in Heilongjiang Province since September 1999, died in custody in May 2000, after an 8-day hunger strike. Practitioners Li Zaiji and Wang Paisheng died in custody during the first 2 weeks of July, according to one NGO. One practitioner reportedly died after a feeding tube was mistakenly inserted into her lung rather than her stomach.

Practitioners defied ongoing government efforts to prevent them from protesting in Beijing. Protests (by individuals or small groups of practitioners) at Tiananmen Square occurred almost daily. Demonstrations also continued around the country. Police quickly broke up demonstrations, often kicking and beating protestors, and detained them. Most protests were small and short-lived as expanded police units

quickly detained anyone who admitted to being or appeared to be a practitioner. Hundreds of practitioners reportedly were arrested at Tiananmen Square in February during lunar New Year protests, forcing a brief closure of the Square. Large numbers were arrested while protesting on March 5 (opening of the National People's Congress), April 25 (the anniversary of the 1999 Zhongnanhai demonstration), and May 11 (reportedly Falun Gong founder Li Hongzhi's birthday). Hundreds of Falun Gong practitioners were detained after peaceful protests in Tiananmen Square during the week of July 22, the anniversary of the Government's ban on the group. Despite a heavy security presence, on October 1, the anniversary of the founding of the PRC, hundreds, and perhaps more than 1,000, peacefully protesting practitioners were again arrested in Tiananmen Square, forcing a brief closure of the square. The press, in an unprecedented move, stated that the groups caused disturbances lasting 40 minutes. The Government later labeled Falun Gong a reactionary group attempting to subvert the State. On October 26, another mass protest marking the anniversary of the passage of 1999's Anti-cult Law was held at Tiananmen Square; more than 100 Falun Gong practitioners reportedly were detained. Many reportedly were beaten. Over the next few days, many more practitioners were arrested in Tiananmen Square. An estimated several hundred Falun Gong practitioners were also detained after protesting in Tiananmen Square over the 1999–2000 New Year holiday; many were beaten during their arrests.

Authorities also briefly detained foreign practitioners (however, it remains unclear whether the authorities were aware that such persons were foreigners). For example, in February, a U.S. citizen practitioner was detained for 3 days. In November, another foreign citizen was sentenced to 3 years of reeducation through labor for Falun Gong activities. On November 23, Falun Gong practitioner and foreign resident Teng Chunyan was tried on charges of providing national security information to foreigners, reportedly for providing foreigners with information about the Government's campaign against Falun Gong. On December 12, she was sentenced to 3 years of reeducation through labor. Several foreign reporters also were detained briefly on April 25, after having taken photographs of police detaining Falun Gong demonstrators on Tiananmen Square. Foreign tourists routinely had their film and videotape confiscated after recording (often inadvertently) Falun Gong detentions.

According to credible reports, authorities have confined some practitioners to psychiatric hospitals. AI reported that, on January 20, a Changguang Police Station spokesman confirmed that about 50 "extremist" Falun Gong practitioners had been placed in a psychiatric hospital near Beijing and cited reports from Falun Gong practitioners that the practitioner's families were asked for fees to cover living expenses in the hospital.

According to the local press, in November several persons accused of printing and distributing Falun Gong literature were arrested in Chaoyan, Liaoning Province. According to Amnesty International, two sisters, Li Xiaobing and Li Xaiomei, who owned a bookstore were sentenced on January 28 to 7 and 6 years in prison, respectively. They reportedly had been arrested in July 1999, just prior to the ban on Falun Gong, were held incommunicado without charge for 3 months, and were tried in secret. Many others have been arrested and sentenced to prison terms or terms of reeducation through labor for providing information about the crackdown on Falun Gong or abuses against Falun Gong practitioners to others, including the foreign media (see Sections 1.f. and 2.a.).

There have been reports that Falun Gong practitioners are no longer able to obtain passports.

During the year, the authorities also continued a general crackdown on other groups considered to be "cults," often using the October 1999 decision to ban cults under Article 300 of the Criminal Law. The Zhong Gong qigong group, which reportedly had a following rivaling that of Falun Gong, was banned under the anti-cult application of the Criminal Law, and its leader, Zhang Hongbao, was charged with rape, forgery, and illegal crossing of boundaries. Zhong Gong practitioners deny the charges. Zhong Gong, like other qigong groups, teaches that the body's vital forces, or qi, can be harnessed for healing purposes and spiritual growth through meditation and spiritual exercises. According to a news report, a local Zhong Gong leader in Zhejiang Province, Chen Jilong, was convicted in January of illegally practicing medicine and was sentenced to 2 years in prison. Two leaders of other qigong groups also reportedly were arrested, and the Government banned the practice of qigong exercises on public or government property. This has created an atmosphere of uncertainty for many qigong practitioners, and there are reports that some qigong practitioners now fear practicing or teaching openly. There were reports that 14 unofficial Christian groups and a Buddhist organization (known as Guanyin Famin) were branded by the Government as "evil sects," as well. In August police in

Jiangsu arrested Shen Chang, the leader of a qigong group, and charged him with organizing gatherings aimed at disturbing social order and tax evasion.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts freedom of movement within the country and restricts the freedom to change one's workplace or residence. The effectiveness of the Government's national household registration/identification card system, used to control and restrict the location of an individual's residence, remained in place but continued to erode, and the ability of most citizens to move around the country to live and work continued to improve. The Government places other restrictions on freedom of movement, and it toughened these restrictions during the year, especially before politically sensitive anniversaries and to forestall Falun Gong demonstrations. The "floating population" of economic migrants leaving their home areas to seek work elsewhere in the country is estimated to be between 80 and 130 million (there are an estimated 3 million or more "floaters" in Shanghai alone). This group comprises not only migrant workers, but also includes a growing number of middle-class professionals attracted to large cities by hopes of better paying jobs in their fields. This itinerant population lacks official residence status, which is required for full access to social services and education. Unless such persons obtain resident status, they must pay a premium for these services. However, some cities, such as Beijing, are beginning to offer some social services free of charge. In August 1998, the Public Security Ministry issued revised regulations that allow persons from the countryside to apply for permanent residence in a city if: 1) they have investments or property in a city; 2) they are elderly and have children who live in a city; or 3) their spouses live in a city. Members of the "floating" population are subject to being detained, fined, and sent to custody and repatriation centers by the authorities, where they may be required to work off their fines. Many are "repatriated," or sent back to the areas they came from by the authorities (see Section 1.d.).

Prior to sensitive anniversaries, authorities in urban areas rounded up and detained "undesirables," including the homeless, the unemployed, migrant workers, those without proper residence or work permits, petty criminals, prostitutes, and the mentally ill or disabled. These persons often were detained or expelled under custody and repatriation regulations or similar administrative regulations (see Sections 1.d. and 1.e.). There were reports of spot checks of identification documents, housing raids, and harassment of migrants at train and bus stations in Beijing during the year, particularly prior to October 1.

Dissidents reported that the authorities restricted their freedom of movement during politically sensitive periods or while foreign dignitaries visited China (see Section 1.f.).

As part of the crackdown on Falun Gong, authorities tried to prevent practitioners from traveling to Beijing, particularly in July and in October (see Section 2.c.).

Under the "staying at prison employment" system applicable to recidivists incarcerated in reeducation-through-labor camps, authorities have denied certain inmates permission to return to their homes. Those inmates sentenced to a total of more than 5 years in reeducation-through-labor camps on separate occasions also may lose their legal right to return home. For those assigned to camps far from their residences, this practice constitutes a form of internal exile. The number of prisoners subject to this restriction is unknown. Authorities reportedly have forced others to accept jobs in state enterprises where they can be monitored more closely after their release from prison or detention. Other released or paroled prisoners returned home but were not permitted freedom of movement. The authorities released Bao Tong, a former Zhao Ziyang aide in 1997, but continue to monitor his activities closely with constant surveillance, at times preventing him from meeting with others (see Sections 1.f. and 2.a.). One Tianamen activist is not permitted to return to his home province even though he completed a 1-year sentence and was released in the early 1990's. Some individuals have also had their freedom of movement curtailed when their public appearance might be deemed politically sensitive. Former senior leader Zhao Ziyang remained under house arrest, and security around him was tightened routinely during sensitive periods, such as the anniversary of the Tiananmen massacre and during the visits of important foreign leaders. Zhao was allowed to visit Sichuan briefly in June and has been allowed about one trip outside of Beijing per year.

There is evidence that official poverty alleviation programs and major state projects, such as the Three Gorges Dam and environmental/reforestation projects, include forced relocation of persons.

The Government permits legal emigration and foreign travel for most citizens. Passports are increasingly easy to get. The Government continued to use political attitudes as criteria for selecting persons for Government-sponsored study abroad. The Government did not control privately sponsored students, who constitute the

majority of citizens studying abroad; however, there were some reports that academics faced some travel restrictions around the year's sensitive anniversaries, especially June 4 (see Section 2.a.). Business travelers who wish to go abroad can obtain passports relatively easily. Permission for couples to travel abroad sometimes was conditioned on agreement to delay childbirth. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents (see Section 2.c.). The Government continued efforts to attract back to the country persons who had studied overseas. Official media have stated in the past that persons who have joined foreign organizations hostile to China should quit them before returning home and refrain while abroad from activities that violate the country's laws. Some Falun Gong members reportedly had difficulty in obtaining passports during the year, but this does not appear to be a national policy.

There also were instances when the authorities refused visas or entry on apparent political grounds. Some foreign academics with contacts with the dissident community also have been refused entry visas repeatedly. International observers and human rights organizations reported that they could substantiate claims that border control stations keep background records of certain individuals who are to be denied entry. Authorities have denied these reports.

The Government does not provide first asylum. However, since the late 1980's, the Government has adopted a de facto policy of tolerance toward the small number of persons—fewer than 100 annually—from other nations who have registered with the Beijing office of the U.N. High Commissioner for Refugees (UNHCR) as asylum seekers. The Government has permitted these persons to remain while the UNHCR makes determinations as to their status and—if the UNHCR determines that they are bona fide refugees—while they await resettlement in other countries. As yet there are no laws or regulations that authorize the authorities to grant refugee status, but the Government reportedly continued to draft working rules on granting such status. The Government cooperates with the UNHCR when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos also resident in the country; the Government is less cooperative when dealing with some other refugees.

The Government has worked with Laos and Cambodia to facilitate the return of resettled individuals who have decided to return to their home countries. The Government denies having tightened its policy on accepting Vietnamese asylum seekers. Due to the stable situation in Vietnam with regard to ethnic Chinese and the increasingly porous border between the two countries, very few Vietnamese have sought resettlement in China in recent years.

In January seven persons granted refugee status by the UNHCR in Russia were deported to China, where authorities then forcibly returned them to the DPRK. There have been no reported refoulements by the Chinese Government since the January incident. In April, according to press reports, a group of approximately 60 North Koreans were forcibly repatriated after they protested conditions in a Tumen city border guard holding facility; the protests reportedly became violent. According to various observers, the number of migrants forcibly returned to North Korea during the year was far higher than in 1999, and unconfirmed reports said that some returnees faced persecution, including fines, beatings, incarceration, and perhaps even execution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their Government peacefully and cannot freely choose or change the laws and officials that govern them. Citizens vote directly for local nongovernmental village committees and among party-reviewed candidates for delegate positions in town and township and county-level peoples' congresses. However, people's congress delegates at the provincial level are selected by county-level people's congresses, and in turn provincial-level people's congresses select delegates to the National People's Congress. Although the CCP vets all candidates at least to some degree, many county and provincial elections are competitive, with more candidates running than there are seats available.

According to the Constitution, the National People's Congress is the highest organ of state power. Formally, it elects the President and Vice President, selects the Premier and vice premiers, and elects the Chairman of the State Central Military Commission. In practice the NPC Standing Committee oversees these elections and determines the agenda and procedure for the NPC under the direct authority of the Politburo Standing Committee. The NPC does not have the power to set policy or to remove Government or party leaders; however, in some instances its actions have affected economic policy.

In general the election and agenda of people's congresses at all levels remain under the firm control of the Communist Party, the paramount source of political authority. A number of small "democratic" parties that date from before the Communist takeover in 1949 play a minor consultative role and must pledge their allegiance to the Communist Party. The CCP retains a tight rein on political decision-making and forbids the creation of new political parties. The Government continued efforts to suppress the China Democracy Party, an organization that had attracted hundreds, perhaps thousands, of members nationwide since its founding in 1998. Public security authorities have arrested nearly all of its most important leaders. Scores of CDP members were detained in cities throughout the country in the period prior to the 10th anniversary of the Tiananmen massacre in 1999. The CDP's three best known leaders—Wang Youcai, Xu Wenli, and Qin Yongmin—were sentenced in December 1998 to prison terms of 13, 12, and 11 years respectively. Since December 1998, at least 25 core leaders of the CDP have been sentenced to long prison terms on subversion charges. In February Xu Wenli's assistant, Liu Shizun, was sentenced to 6 years for subversion. Also in February, Shanghai member of the CDP, Dai Xuezhong, was sentenced to 3 years in jail. In July after a 90-minute trial, Chen Zhonghe, founder of the Hubei branch of the CDP, and Xiao Shichang were sentenced to 7 years and 5 years in prison respectively on subversion charges. In June Li Guotao was arrested in Shanghai; on June 28 he was sentenced to 3 years' reeducation through labor for demanding the release of CDP members. Shanghai dissidents Li Guotao, Cai Guihua, Yao Zhenxiang, Fu Shenping, and Dai Xuewu were taken into custody on many occasions throughout the year (see Section 1.d.). Prior to the June 4 anniversary of the Tiananmen Square massacre, Li Guotao was re-arrested in Shanghai and charged with spreading reactionary publications, instigating disturbances, and disturbing the social order (apparently in connection with a letter he and others sent to the Mayor of Shanghai, protesting the arrest of dissident Dai Xuewu and requesting his release); on June 28 he was sentenced to 3 years' reeducation through labor for demanding the release of CDP members. Dai Xuewu, the brother of imprisoned dissident Dai Xuezhong, also was arrested in Shanghai prior to the June 4 anniversary of the Tiananmen Square massacre and charged with the theft of a cell phone; in August he was sentenced without a trial to 3 years of reeducation through labor.

Despite CCP control of the Government, limited democratic decisionmaking continued to grow as the local village committee elections program expanded. Under the 1987 Organic Law of the Village Committees, all of the country's approximately 1 million villages are expected to hold competitive, direct elections for subgovernment level local village committees. The NPC Standing Committee in November 1998 passed a revised version of the law, which called for enhancements in the electoral process, including substantial improvements in the nominating process and the required use of voting booths. It also provided for improved transparency in village committee administration and appears to have boosted the authority of the village committees over communally owned properties. The revised law also explicitly transferred the power to nominate candidates to the villagers themselves, as opposed to village groups or party branches.

Both the Government and foreign observers estimate that more than 90 percent of villages have participated in elections for village committee members. However, all provinces and provincial level cities and regions have now held at least one village-level election. According to the Ministry of Civil Affairs, the majority of provinces have carried out at least three or four rounds of village elections. Foreign observers who have monitored local village committee elections, including the Carter Center and the International Republican Institute, have judged the elections they observed, on the whole, to have been fair. However, many villages have yet to hold truly competitive elections. The Government estimates that one-third of all elections have serious procedural flaws; some reballoting occurs when irregularities are significant. Approximately another third are judged to have satisfied central Government guidance and the law, which requires use of secret ballots to select candidates. Successful village committee elections have included the use of secret ballots to select candidates, campaigns by multiple candidates, platforms, and the use of secret ballots in the election itself. Some regions have experimented with a nominating process that gives this power completely to villagers, as opposed to village groups or party branches.

Candidates favored by local authorities have been defeated in some elections, although in general the party dominates the local electoral process, and roughly 60 percent of the members elected to the village committees are Communist Party members. In many villages, villagers are given ballots with a space for write-in votes; in at least one case, a write-in candidate won. The final ballot is the culmination of an election process that includes government screening of candidates and an

indirect vote that eliminates some candidates. Many observers caution that the village election system is not necessarily a precursor for democracy at higher levels of Government, and village elections—as currently practiced—do not threaten to undermine the implementation of unpopular central policies or to endanger the leading role of the Communist Party. The elected village committees are not part of the formal government structure and have no formal constitutional role. The powers of elected village committees vary from region to region. Most committees have the authority to mediate disputes between villagers, improve public order, and authorize small expenditures. The committees also carry out political work by serving as a channel of communication between villagers and the Government. The village committees have no power to tax, set fines or punishments independently, or hire or fire village enterprise managers.

The 1998 revised Village Election Law authorized the establishment of “villager’s representative assemblies” to oversee the performance of village committees. Such assemblies already existed for years in some provinces; in 1997, for example, an assembly in Zhaoxin county, Hebei Province, reportedly removed 54 allegedly corrupt or incompetent village committee members and vetoed 72 “unreasonable” development projects. Township authorities in several provinces have held experimental elections to select local executive officials. Citizens of Sichuan’s Buyun township in December 1998 held the first such vote. Despite central government expressions of concern that this election violated constitutional provisions requiring that the local people’s congresses elect executive officials, the central Government ultimately confirmed the vote. Another experimental township election during 1999, the “two ballot” vote in Guangdong Province’s Dapeng township, which was explicitly authorized by the National People’s Congress, allowed groups of 100 or more citizens to nominate candidates. A township-wide conference of local leaders from various institutes then voted to select one of those candidates. The local people’s congress confirmed the decision in a pro forma vote, thereby satisfying constitutional requirements.

The Government places no restrictions on the participation of women or minority groups in the political process; however, they are underrepresented in government and politics. Women freely exercise their right to vote in village committee elections, but only a small fraction of elected members are women. The Government and Party organizations include approximately 12 million female officials out of 61 million Party members. Women constitute 21.83 percent of the National People’s Congress. The 15th Party Congress elected 22 women to serve as members or alternates on the 193-person Central Committee, an increase over the total of the previous committee. However, women still hold few positions of significant influence at the highest rungs of the Party or government structure. One alternate member of the 22-member Politburo is a woman, and women hold 2 of 29 ministerial-level positions.

Minorities constitute 14 percent of the National People’s Congress, although they make up approximately 9 percent of the population. All of the country’s 56 nationalities are represented in the NPC membership. The 15th Party Congress elected 38 members of ethnic minorities to serve as members or alternates on the Central Committee, an increase over the total of the previous committee. However, minorities hold few senior Party or government positions of significant influence.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit independent domestic nongovernmental organizations to monitor publicly human rights conditions, and there are no independent domestic NGO’s that comment on human rights conditions. It is difficult to establish an NGO, and the Government tends to be suspicious of independent organizations; most existing NGO’s are quasi-governmental in nature and are closely controlled by government agencies (see Section 2.b.). However, an informal network of dissidents in cities around the country has become a credible source of information about government actions taken against activists. The information is disseminated to the outside world through organizations such as the Hong Kongbased Information Center for Human Rights and Democracy and the New Yorkbased Human Rights in China. The press regularly prints articles about officials who exceed their authority and infringe on citizens’ rights. However, the Government remains reluctant to accept criticism of its human rights record by other nations or international organizations and criticizes reports by international human rights monitoring groups, maintaining that such reports are inaccurate and interfere with the country’s internal affairs. The Government still maintains that there are legitimate, differing approaches to human rights based on each country’s particular history, culture, social situation, and level of economic development. In 1993 the Government established the China Society for Human Rights, a “nongovernmental” organization whose mandate is not

to monitor human rights conditions, but to defend the Government's views and human rights record.

The Government has active human rights dialogs with a large number of countries, including Great Britain, France, Australia, Canada, Norway, Sweden, Brazil, and Japan, as well as the European Union (EU). However, these dialogs have not produced any fundamental improvements in the Government's human rights practices. In November the United States and China agreed in principle to resume the bilateral human rights dialog that was suspended by China in 1999. By year's end the dialog had not been scheduled yet. In recent years, the Government has expanded greatly the number and frequency of judicial and other types of legal exchanges with foreign countries.

In May the U.N. Committee Against Torture issued a report expressing concern about continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities. It recommended that the country incorporate a definition of torture into its domestic law in full compliance with international standards, abolish all forms of administrative detention (including reeducation through labor), promptly investigate all allegations of torture and provide training courses on international human rights standards for police, among other things (see Section 1.c.). Government officials that appeared before the Committee stated that the country has done a great deal in recent years to address torture by officials but noted that problems remain in supervising the judicial system. On November 20, the Government signed a Memorandum of Understanding (MOU) with the U.N. High Commissioner on Human Rights (UNHCHR) that was designed to help the country comply with the terms of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, which the Government has signed but not ratified. The MOU outlined the types of programs to further human rights that are to be implemented by the Government and the UNHCHR. Such programs are to include human rights education for judges, prosecutors, and police; other human rights education programs; the publication of reports; and fellowships for experts to study abroad. However, no agreement has yet been reached concerning a visit to the country by the U.N. Special Rapporteur on Torture, which has been under discussion since 1999.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

There are laws designed to protect women, children, the disabled, and minorities. However, in practice societal discrimination based on ethnicity, gender, and disability persists. The concept of a largely homogeneous Chinese society pervades the thinking of the Han majority.

Women.—Violence against women is a problem. Violence against women can be grounds for prosecution under the law, but there is no national law specifically targeting domestic violence, although proposed amendments to the 1980 Marriage Law are aimed in part at providing protection against spousal abuse. In recognition of the seriousness of spousal abuse, 13 provinces and provincial-level cities have passed legislation to address the problem. Sociologists note that there has been no detailed research on the extent of physical violence against women. However, anecdotal evidence suggests that the reporting of domestic abuse is on the rise, particularly in urban areas, because greater attention has been focused on the problem. A July survey report by the All-China Women's Federation found that violence occurs in 30 percent of families, with 80 percent of cases involving husbands abusing their wives. The survey implies that one in four married women suffers abuse. Actual figures may be higher because spousal abuse still goes largely unreported. According to experts, the percentage of households in which domestic abuse has occurred is higher in rural areas than in urban centers. The July survey found that domestic violence occurs at all socioeconomic levels. According to some experts, many women do not report domestic violence to the police because, even when appropriate legislation exists, local law enforcement authorities frequently choose not to interfere in what they regard as a family matter. Nonetheless in two recent cases in Liaoning Province, men were successfully prosecuted for severe cases of domestic violence. Despite an increasing awareness of the problem of domestic violence, there are no shelters for victims of domestic violence. Rape is illegal.

Female infanticide, sex selective abortions, the abandonment of baby girls, and the neglect of baby girls remain problems due to the traditional preference for sons, and the family planning policy, which strictly limits urban couples to one child and rural couples to two. Regulations forbid the termination of pregnancies based on the sex of the fetus, but many families, especially in rural areas, have used ultrasound to identify female fetuses and terminate pregnancies. The use of ultrasound for this purpose is prohibited specifically by the Maternal and Child Health Care Law,

which came into effect in 1995 and mandates punishment of medical practitioners who violate the provision. However, according to the SFPC, only a handful of doctors have been charged under this law. According to the latest available figures, compiled in 1994, the number of children abandoned each year is approximately 1.7 million, despite the fact that, under the law, child abandonment is punishable by a fine and a 5-year prison term. The vast majority of abandoned children eventually admitted to orphanages are female, although some are males who are either disabled or in poor health. Children put up for foreign adoption are almost exclusively girls. The neglect of baby girls that results in lower female survival rates are also factors. Female babies also suffer from a higher mortality rate than male babies, contrary to the worldwide trend. One study found the differential mortality rates to be highest in areas where women have a lower social status, where economic and medical conditions are poor, and where family planning regulations are strictly enforced (although the correlation for this factor was weak). Government statistics put the national ratio of male to female births at 114 to 100; the World Health Organization estimates the ratio to be 117 to 100. The statistical norm is 106 male births to 100 female births. However, in July the Liaoshen Evening News reported that in a township of Liaoyang county, the male to female sex ratio was 306/100 for second children born between 1992 and 1999. After operating for 7 years, an illegal sex determination clinic was exposed when an outraged citizen called the Liaoyang City Mayor's hot line. According to demographers in the country, currently there may be as many as 100 million more men than women. The state-run media are paying increasing attention to unbalanced birth ratios, and the societal problems, such as trafficking in women, which they cause (see Section 6.f.). In the cities, the traditional preference for sons is changing; in the rural areas that preference continues.

The authorities have enacted laws and conducted educational campaigns in an effort to eradicate the traditional preference for sons; however, this preference remains strong in rural China. A number of provinces have sought to reduce the perceived higher value of boys in providing old-age support for their parents.

which family planning officials have used coercion against women, including forced

estimates of the number of abortions in the country. The government has organized a sex and birth ratio, to

at estimates, there are 70,010,000 registered in Beijing; estimates have placed the number at 200,010,000 in Moscow. Research

shows, the CEDAW-

provinces for female prostitution. (though the central Government and various provinces in the

of fear of losing their jobs. However, experts state that more women are raising their concerns about sexual harassment because of greater awareness of the problem.

The Government has made gender equality a policy objective since 1949. The Constitution states that "women enjoy equal rights with men in all spheres of life." The 1992 Law on the Protection of Women's Rights and Interests provides for equality in ownership of property, inheritance rights, and access to education. Women's economic and political influence has increased. Nonetheless female activists increasingly are concerned that the progress that has been made by women over the past 50 years is being eroded and that women's status in society regressed during the 1990's. They assert that the Government appears to have made the pursuit of gender equality a secondary priority as it focuses on economic reform and political stability. Social and familial pressure also has grown for women to resume their traditional roles as wives and mothers. A recent study of how women are portrayed in the media revealed that images of a woman's worth increasingly are linked to her ability to attract a wealthy husband and be a good mother.

The 1992 Law on the Protection of Women's Rights and Interests was designed to assist in curbing gender-based discrimination. However, women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems. Efforts have been made by social organizations as well as the Government to educate women about their legal rights, and there is anecdotal evidence that women increasingly are using laws to protect their rights. For example, at Fudan University in Shanghai, the Women's Study Center with the support of Shanghai's labor union has established a hot line to inform workers, mainly women, of their legal rights. Nevertheless, women frequently encounter serious obstacles in getting laws enforced. According to legal experts, it is very hard to litigate a sex discrimination suit because the vague legal definition makes it difficult to quantify damages. As a result, very few cases are brought to court. Some observers also have noted that the agencies tasked with protecting women's rights tend to focus on maternity-related benefits and wrongful termination during maternity leave rather than sex discrimination or sexual harassment. The structure of the social system also prevents women from having a full range of options. Women who seek a divorce face the prospect of losing their housing since government work units allot housing to men when couples marry.

Women have borne the brunt of the economic reform of state-owned enterprises. As the Government's plan to revamp state-owned enterprises is carried out, millions of workers have been laid off. Of those millions, a disproportionate percentage are women, many of whom do not have the skills or opportunities to find new jobs. A December 1998 Asian Development Bank report noted that almost 70 percent of the 23 million persons who could lose their jobs as a result of state-owned enterprise reform were women, even though they only constituted 36.4 percent of the work force. A 1998 All-China Federation of Trade Unions (ACFTU) report estimated that 80 percent of those laid off from state-owned enterprises in Heilongjiang Province were women. Women between the ages of 35 and 50 were the most affected, and the least likely to be retrained. In addition female employees were more likely to be required to take pay cuts when a plant or company was in financial trouble. There have been reports that many women have been forced or persuaded into early retirement as well. Discriminatory hiring practices appear to be on the rise as unemployment rises. Increasingly companies discriminate by both sex and age, although such practices violate labor laws.

Many employers prefer to hire men to avoid the expense of maternity leave and childcare and some even lower the effective retirement age for female workers to 40 years of age (the official retirement age for men is 60 years and for women 55 years). Lower retirement ages have the effect of reducing pensions, which generally are based on years worked.

The law promises equal pay for equal work. According to a 1997 World Bank report, women's salaries, on average, were 80 to 90 percent of the salaries of their male counterparts. However, a recent Government survey found that women were paid only 70 to 80 percent of what men received for the same work. Most women employed in industry work in lower skilled and lower paid jobs.

According to official figures, in 1995 there were 145 million illiterate persons above the age of 15. Women made up approximately 70 percent of this total. A 1998 Asian Development Bank report estimated that 25 percent of all women are semi-literate or illiterate, compared with 10 percent of men. The Government's "Program for the Development of Chinese Women (1995-2000)" set as one of its goals the elimination of illiteracy among young and middle-aged women by the end of the century. The main priority was to increase the literacy of rural women, 80 percent of

whom are wholly or partially illiterate. However, some women's advocates were skeptical that the Government's goal could be attained given the lack of resources.

While the gap in the education levels of men and women is narrowing, men continue to constitute the majority of the relatively small percentage of the population that receives a university-level education. According to figures released by the All-China Women's Federation, at the end of 1997 women made up 36 percent of all university students, and 30 percent of all graduate students. However, educators in the large cities have reported that there is a trend toward greater gender balance in universities. Some academics have reported that in some departments women are beginning to outnumber men—even in some graduate schools. However, women with advanced degrees report an increase in discrimination in the hiring process as the job distribution system has opened up and become more competitive and market driven.

Children.—The Constitution provides for 9 years of compulsory education for children (see Tibet addendum); however, in economically disadvantaged rural areas many children do not attend school for the required period, if at all. Public schools are not allowed to charge tuition, but, faced with revenue shortfalls since the central Government largely stopped subsidizing primary education in the early 1990's, many schools have begun to charge mandatory fees. Such fees make it difficult for poorer families to send their children to school or send them to school on a regular basis. Some charity-financed schools have opened in recent years in rural areas, but not enough to meet the demand. Children of migrant workers in urban areas also often do not attend school, although they may be allowed to do so if they pay required school fees (which their parents generally cannot afford, and which are higher than for resident children). Some unlicensed schools that cater to migrant children and have lower school fees reportedly have opened in cities in recent years. However, the quality of these schools is uneven. Local municipalities do not provide them with supplies or financial support. Because the schools are not licensed, their graduates may not be admitted to high school. Many of these schools reportedly do not offer education beyond grade six, also making it difficult for migrant children to obtain further education. Migrant schools are in constant danger of being closed by the authorities. The government campaign for universal primary school enrollment by 2000 (which was not met by year's end) has helped to increase enrollment in some areas; however, it also reportedly has led to school officials inflating the number of children actually enrolled.

An extensive health care delivery system has led to improved child health and a sharp decline in infant mortality rates. According to 1997 official figures, the infant mortality rate was 33 per 1,000 in 1996. According to the U.N. Children's Fund (UNICEF), in 1995 the mortality rate for children under 5 years of age was 47 per 1,000 live births.

The 1992 Law on the Protection of Juveniles forbids infanticide, as well as abandonment or mistreatment of children. The law also prohibits discrimination against disabled minors, emphasizes the importance of safety and morality, and codifies a variety of judicial protections for juvenile offenders. The physical abuse of children can be grounds for criminal prosecution.

There were credible reports of female infanticide. The use of ultrasound tests to determine gender also results in decisions to terminate pregnancies of female fetuses, but no reliable statistics are available on the extent of the problem. One 1997 newspaper article quoted a doctor as saying that as many as 97.5 percent of pregnancies terminated in his hospital were of female fetuses. A 1997 World Health Organization paper reported that the national ratio of male to female births in 1994 was 117 to 100 (the worldwide statistical norm is 106 to 100). However, in July the Liaoshen Evening News reported that in a township of Liaoyang County, the male to female sex ratio was 306/100 for second children born between 1992 and 1999. Part of the statistical gap may be attributable to female infanticide, sex-selective termination of pregnancies, and abandonment or neglect of girls. The under-reporting of female births by couples trying to evade family planning laws to try to have a son is another significant factor (see Section 1.f.).

According to the latest available figures, compiled in 1994, the number of children abandoned each year is approximately 1.7 million, despite the fact that, under the law, child abandonment is punishable by a fine and a 5-year prison term. The vast majority of abandoned children eventually admitted to orphanages are female, although some are males who are either disabled or in poor health. Children put up for foreign adoption are almost exclusively girls. The treatment of children at these institutions varies from adequate to deplorable. There have been reports of children at some orphanages being restrained for long periods of time and denied basic care and food. Accurate determination of infant mortality rates in orphanages is difficult, but rates appear to be high at many, especially among new arrivals. However, con-

ditions in some other orphanages appear to be adequate, if Spartan. Medical professionals frequently advise parents of disabled children to put the children into orphanages.

According to several sources, orphanage workers in some facilities reserve basic medical care and even nutrition for children who are deemed to have the best chances for survival. Some sources report that children whose prospects of survival are determined to be poor are placed in rooms separate from other children and subjected to extreme neglect. Claims that government policies, as opposed to lack of resources, were to blame for the lack of care of children placed in orphanages could not be verified. However, Human Rights Watch reported in 1996 that many institutions, including those with the highest death rates, have budgets that provide for adequate wages, bonuses, and other personnel-related costs, but that budgets for children's food, clothing, and other necessities are low throughout the country. There was a report in 1998 that, at least in one orphanage, a new conference room was built while the facilities and care for orphans under the age of 2 remained abysmal. The mortality rate for children under the age of 2 at this institution reportedly approached 100 percent, even for those infants who entered in fair health. Bureaucratic indifference and corruption on the part of orphanage administrators appear to be significant factors in such cases. Since the mid-1990's, foreigners were first banned and then subjected to far more restrictions in visiting orphanages than previously.

In recent years, some privately run orphanages (not funded by the State) have started to operate, in which conditions may be generally better for children. In areas where such orphanages operate, some state-run orphanages have exhibited a willingness to learn from them and to adopt some of their more modern practices.

The Government denies that children in orphanages are mistreated or refused medical care but acknowledges that the system often is unable to provide adequately for some children, especially those who are admitted with serious medical problems. In an effort to address this problem, in November 1998 the NPC adopted a revised adoption law making it easier for couples to adopt. The new law dropped a restriction that parents who adopt a child must be childless. It also allows for multiple adoptions and lowers the age at which couples are eligible to adopt. The Civil Affairs Ministry announced in 1997 that the Government's top social welfare priority for that year would be to improve conditions in orphanages, and there have been credible reports of new construction, renovation, and improved care in some areas. Over \$30 million (248.4 million RMB) reportedly was allocated for this program. A Government white paper on women and children issued in 1997 stated that the central Government had spent \$25.7 million (212.8 million RMB) between 1990 and 1994 to improve "children's welfare institutions," the official term for orphanages. During the same period, local Governments apparently allocated almost \$18 million (149 million RMB) to these institutions.

Children reportedly are detained administratively in custody and repatriation centers, either for minor crimes that they have committed or because they are homeless. Such children routinely are detained with adults and may be required to work (see Sections 1.d, 1.e., and 6.c.).

Despite government efforts to prevent kidnaping and the buying and selling of children (sometimes for labor purposes), these problems persist in some rural areas (see Sections 6.c. and 6.f.). Girls and women are trafficked and sold as brides, and boys may be trafficked to provide sons for couples unable to have one. On May 30, two persons convicted of trafficking in children were executed in Jiangxi Province, and one was executed in Guizhou Province.

People with Disabilities.—In 1990 the Government adopted legislation that protects the rights of the country's disabled persons. According to the official press, all local governments subsequently drafted specific measures to implement the law. The press publicizes both the plight of the disabled and Government efforts to assist them. The Government, at times in conjunction with NGO's such as the Lions Club International, sponsors a wide range of preventive and rehabilitative programs, including efforts to reduce congenital birth defects, treat cataracts, and treat hearing disorders. The goal of many of these programs is to allow persons with disabilities to be integrated into the rest of society.

However, reality for the disabled lags far behind legal dictates, and many do not receive or have access to special assistance or to programs designed to assist them. Misdiagnosis, inadequate medical care, pariah status, and abandonment remain common problems. According to reports, parents of disabled children often are persuaded by doctors to place their children in large government-run institutions, often far from their parents, and in which care is often substandard. Those parents who choose to keep such children at home generally face difficulty in getting adequate medical care, day care, and education for these children. In a 1998 speech, Vice Pre-

mier Li Lanqing noted that in the past decade, the Government had helped some 14 million disabled citizens solve their food and clothing problems. Nonetheless, government statistics show that almost one-quarter of the approximately 60 million disabled persons live in extreme poverty. According to 1998 government statistics, the unemployment rate for disabled persons is 26.7 percent, a decrease from the past but still almost 10 times the official rate for the general population. The Government's new strategy is to integrate the disabled into the mainstream work force, but these efforts are running into a cultural legacy of discrimination and neglect. In the mid-1990's in Beijing and eight other cities, the Government began, on a trial basis, to require all companies and institutions to hire at least 1 percent of their workers from among the disabled. However, over a period of 2 years in Beijing, only 400 disabled persons obtained jobs in this way; in Shanghai, over a period of 3 years, only 100 persons obtained jobs.

Standards adopted in 1994 for making roads and buildings accessible to the disabled are subject to the 1990 Law on the Handicapped, which calls for their "gradual" implementation. Lax compliance with the law has resulted in only limited access to most buildings.

Deng Pufang, son of the late paramount leader Deng Xiaoping, is a paraplegic who heads the China Welfare Fund for the Handicapped and the China Disabled Persons' Federation (CDPF), Government-affiliated organizations tasked with assisting the disabled. In March 1998, this organization laid out a series of goals that it hoped to achieve by 2000, including ensuring that all persons with disabilities have adequate food and clothing, providing rehabilitation services for 3 million individuals, increasing to 80 percent the enrollment rate for disabled students, and reducing to 20 percent the unemployment rate for disabled workers; as of year's end, the goals had not been met.

The Maternal and Child Health Care Law forbids the marriage of persons with certain specified contagious diseases or certain acute mental illnesses such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. This law mandates premarital and prenatal examination for genetic or contagious diseases, but it specifies that medically advised termination of pregnancy or sterilization requires the signed consent of the patients or their guardians.

In 1998 the Adoption Law was revised to loosen age restrictions on adoption. This change, which was intended to facilitate adoption, may have unintended consequences for children with special needs. In the past, individuals under the age of 35 could adopt only children with special needs. The minimum age for adopting a healthy child is now set at 30 instead of 35. Some observers worry that the law, which became effective in 1999, may eliminate the age-based incentive for the adoption of children with special needs.

Persons in urban areas who are mentally ill or disabled and are found on city streets can be detained administratively under custody and repatriation regulations, ostensibly for their protection (see Sections 1.d. and 1.e.). The conditions under which they are held in such centers reportedly are poor and may include being forced to perform labor.

National/Racial/Ethnic Minorities.—According to 1995 government statistics, the total population of the country's 55 ethnic minorities was 108.46 million, or 8.98 percent of the total population. Most minority groups reside in areas they traditionally have inhabited, many of which are mountainous or remote. The Government's avowed policy on minorities calls for preferential treatment in marriage regulations, family planning, university admission, and employment. However, there have been reports that in some areas ethnic minorities have been subjected to pressure to limit births to the lower number allowed Han (see Section 1.f.). Programs have been established to provide low-interest loans, subsidies, and special development funds for minority areas. Nonetheless, in practice, minorities face discrimination. Most of the minorities in border regions are less educated than the national average, and job discrimination in favor of Han migrants remains a serious problem. Racial discrimination is the source of deep resentment among minorities in some areas, such as Xinjiang and Tibet; however, the Government does not officially recognize racism against minorities or tension among different ethnic groups as problems. The media nonetheless often denounce racism and call for equal treatment.

Official figures state that the Government invested \$12.6 billion (104 billion RMB) in infrastructure development for minority areas during the period 1991 to 1995. The Ninth 5-Year Plan announced in 1996 stated that the Government would raise this figure to \$27.8 billion (230 billion RMB) for the period from 1996 to 2000. According to Government statistics, between 1991 and 1996, the economies in minority regions grew by nearly 11 percent annually, surpassing the national average in each

year. Government development policies have helped improve minority living standards. However, real incomes in minority areas, especially for non-Han groups, remain well below those in other parts of the country, and minorities credibly claim that the majority Han Chinese have benefited disproportionately from government programs and economic growth. Many development programs have disrupted traditional living patterns of minority groups, including Tibetans and the Muslim Turkic majority (including Uighurs) of western Xinjiang. For example, there is evidence that official poverty alleviation programs and major state projects, such as building dams and environmental/ reforestation projects, include the forced evacuation of persons (see Section 2.d.). Plans to develop tourism in Xinjiang also often have focused on marketing and investment opportunities but paid little attention to how minority cultures and the environment might be affected adversely. Since 1949 central government and economic policy have resulted in a significant migration of Han Chinese to Xinjiang. According to a government white paper, in 1998 there were approximately 8 million Uighurs, 2.5 million other ethnic minorities, and 6.4 million Han in Xinjiang, up from 300,000 Han in 1949.

According to official government statistics, 15.34 million minority students attended schools between 1994 and 1996. A 1997 white paper stated that 98.2 percent of all schoolage children in the Guangxi Zhuang Autonomous Region were enrolled in schools in 1996. In many areas with a significant population of minorities, there are two-track school systems using either Mandarin or the local minority language. Students can choose to attend schools in either system. One acknowledged side effect of this policy, originally designed to protect and maintain minority cultures, has been the reinforcement of a segregated education system. Under this divided education system, those graduating from minority schools are at a disadvantage in competing for jobs in government and business, which require good Chinese-language skills. Graduates of these schools typically need a year or more of intensive Chinese before they can cope with course work at a Chinese-language university (see Tibet addendum).

The Communist Party has an avowed policy of boosting minority representation in the Government and the Party. A September 1999 government white paper reported that there were 2.7 million minority officials in the Government. According to government statistics, there were 163,000 minority officials in the Inner Mongolia Autonomous Region. Minority officials constitute 23.3 percent of the region's total, exceeding the ratio of the minority population to Han Chinese in the region. Many members of minorities occupy local leadership positions, and a few have positions of influence at the national level. However, in most areas, ethnic minorities are shut out of positions of real political and decisionmaking power. In Xinjiang the job of county party secretary—the most important position in a county—typically is reserved for Han Chinese, even in counties that are close to 100 percent Uighur. Many minorities resent Han officials holding key positions in minority autonomous regions.

During the year, the Government decided to withdraw from consideration for World Bank funding a project to resettle some 58,000 ethnic Han, Hui Muslim, and Tibetan farmers in a traditionally Mongolian and Tibetan area (Dulan county in Haixi Tibetan-Mongolian Autonomous Prefecture, Qinghai Province) as part of a poverty alleviation program. In June 1999, the World Bank's Executive Board had approved the project with the condition that an independent inspection panel investigate whether the project was in compliance with World Bank standards. After the inspection panel concluded that bank standards were violated, the Government withdrew the Qinghai project from bank consideration and stated that it would finance the project domestically.

Tensions between ethnic Han citizens and Uighurs in Xinjiang continued. Since 1996 the authorities have cracked down harshly on suspected Uighur nationalists and independent Muslim religious leaders. There were numerous reports during the year that Uighurs were being executed or sentenced to long prison terms for separatist activities. According to a February report by Human Rights Watch, the pace of executions and imposition of long prison terms for suspected separatists in Xinjiang increased during 1999, and there were more frequent public sentencing rallies during the year. In March a Xinjiang court sentenced Rebiya Kadeer, a prominent Uighur businesswoman and former member of the provincial-level Chinese People's Political Consultative Conference, to 8 years in prison on charges of "passing state intelligence" to foreigners; according to an official press report, the intelligence she was accused of passing included newspaper articles and a list of names of persons whose cases had been handled by the courts. During her trial, Kadeer was not allowed to speak to her lawyer, according to foreign press reports. In November according to foreign press reports, her appeal was rejected. Kadeer, her son, and her secretary were arrested while on their way to meet a visiting foreign dele-

gation in August 1999. Kadeer's son and secretary were sentenced administratively to 2- and 3-year reeducation-through-labor terms, respectively, in November 1999. Kadeer is reported to be in poor health but has been unable to get adequate medical treatment. Many foreign observers believe Kadeer was singled out for her activism on behalf of Uighurs and for her husband's involvement with Uighur causes and Radio Free Asia in the United States. In April a Xinjiang court upheld a lower court in sentencing a Uighur man to 15 years in prison and sentencing 17 of his accomplices to prison terms ranging from 1 to 14 years. The 18 were found to have possessed "illegal publications and audio cassette tapes with reactionary contents" and to have assembled with the intention of undermining national unity, according to the official media. In June a court in Xinjiang's capital handed down death sentences against four men found guilty of "splitting the country, intentional manslaughter, robbery" and other crimes, according to an official news report. Amnesty International reported that Zulikar Memet was executed secretly on June 21 for helping separatists. In July official media reported that the same court had ordered the execution of three "national separatists" who in 1997 allegedly had established a "Party of God" and subsequently trafficked in explosive materials and engaged in murder, larceny, robbery, and rape. In August 1999 Amnesty International issued a report documenting 210 death sentences and 190 executions in Xinjiang since 1997. According to AI, thousands of persons have been detained arbitrarily, including some for their suspected support of the separatist cause. AI reports that many Uighurs detained for political reasons in Xinjiang between 1990 and 1998 are believed still to be in custody. According to foreign press reports, Abdulhelil Abdumijit was tortured to death in custody.

A campaign to stress ethnic unity and to condemn "splittism" and religious extremism that began in Xinjiang in 1997 continued. This campaign pervades the Chinese-language media and reaches into the region's school system. Authorities maintained tight control over "separatist activities," announced tightened security and antiterrorist measures, and mounted campaigns to crack down on opposition during the year. Because the Xinjiang Uighur Autonomous Region government regularly lumps together those involved in "ethnic separatism, illegal religious activities, and violent terrorism," it is often unclear whether particular raids, detentions, arrests, or judicial punishments involve ethnic discrimination.

Possession of separatist publications or audiovisual materials is not permitted, and, according to reports, possession of such materials has resulted in lengthy prison sentences. The author of a history of the Uighurs that was severely criticized by provincial-level and national authorities in the mid-1990s remains prohibited from publishing or from meeting with foreigners. A Uighur-language press exists in Xinjiang, but it has a very small circulation, and much of the population depends on market rumors for information. In general central authorities made it clear that they do not tolerate opposition to Communist Party rule and responded to unrest and terrorist incidents with force and heightened security measures.

The education system provides Chinese-language instruction for Han students and Uighur-language instruction for Uighur students until fourth grade and then gradually switches to Chinese as the principal language of instruction. Graduation from the Uighur school system leaves Uighurs poorly educated, with an inadequate command of the Chinese language.

According to some estimates, the migration of ethnic Han into Xinjiang in recent decades has caused the Han-Uighur ratio in the capital of Urumqi to shift from 20 to 80 to 80 to 20, and is a source of Uighur resentment. By some estimates, 250,000 Han have moved into the region annually in the last few years. Han control of the region's political and economic institutions also has been a factor in the growth of tension. The testing of nuclear weapons in Xinjiang until July 1996 was another source of serious contention because of continuing health concerns and environmental degradation. Although government policies have brought tangible economic improvements to Xinjiang, Uighurs maintain that Han receive a disproportionate share of the benefits. The majority of Uighurs are poor farmers, and 25 percent are illiterate.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for "freedom of association;" however, in practice this right is subject to the interests of the State and the leadership of the Communist Party, and true freedom of association does not exist. The Communist Party controls the country's sole officially recognized worker's organization, the All China Federation of Trade Unions (ACFTU). Attempts to form independent unions are suppressed swiftly. The 1992 Trade Union Law gives the ACFTU effective control over the establishment and operations of all legal sub-

sidiary labor organizations. The head of the ACFTU is a member of the Standing Committee of the Central Committee of the Communist Party.

Independent labor unions are illegal. The Trade Union Law required that the establishment of unions at any level be submitted to a higher-level trade union organization for approval, and only approved registered unions are legal. The ACFTU subsumes under its authority 16 industry-based and 31 provincial-level labor unions. They, in turn, have jurisdiction over roughly 590,000 "grassroots" labor unions nationwide. According to labor regulations, there can be only one "grassroots" union per enterprise, and only enterprises that have at least 25 employees may establish unions. In the past decade or more, numerous attempts were made to establish independent unions. Following the signing of the International Covenant on Economic, Social, and Cultural Rights in 1997, a number of labor activists have petitioned the Government to establish free trade unions, as allowed under the covenant. The Government had not approved the establishment of any independent unions by year's end.

Under the country's planned economy, the ACFTU's main task has been to assure labor discipline, mobilize workers to achieve party objectives, including national economic development goals, and protect worker welfare and interests. However, in practice the majority of ACFTU-affiliated unions function primarily as social organizations, arranging recreational activities for workers, such as movie nights, picnics, and charity drives. In the face of rising unemployment, unions have played a more active role on behalf of unemployed workers, who have grown to over 20 million with the restructuring of state-owned enterprises. The ACFTU claims that, through mid-year, it had established over 4,000 job placement centers and more than 6,500 professional training programs, benefiting over 3 million unemployed workers. Since 1999 the ACFTU has also contributed over \$50 million (RMB 390 million) to displaced workers in difficult circumstances. Some categories of unemployed workers are entitled to unemployment benefits for as many as 5 years, but many have not received their full entitlements, primarily because of funding problems in the social security system.

The work force totals approximately 740 million persons, including roughly 540 million rural workers. The ACFTU claims 103 million members, over 90 percent of whom work in state-owned enterprises. The Trade Union Law allows workers to decide whether to join the unions in their enterprises, and there have been no reports of repercussions for the 5 percent of workers in the state-owned sector who have not joined. In recent years the ACFTU actively began recruiting workers in the private sector, including in township and village enterprises (TVE's), as well as in foreign joint ventures. The ACFTU has 5.5 million members in foreign-funded enterprises and over 2 million members in private (nonstate domestic) enterprises at year's end. However, the vast majority of enterprises in China's burgeoning private sector, which according to official statistics employs roughly 20 million workers, do not have a union. Approximately 10 percent of private firms have a Communist Party representative among the workforce, whose nominal task is to defend workers' interests. Military and security personnel are the only categories of workers who cannot join a union.

The ACFTU has submitted to the Government draft amendments to the Trade Union Law, which would strengthen the right of private sector workers to form or join ACFTU-affiliated unions. These draft amendments are still under consideration. However, workers in many joint ventures and foreign-invested enterprises have some form of worker organization, even though they do not have unions. These organizations are not part of the ACFTU but usually have Communist Party members within their leadership. Like unions, the organizations work with management on labor issues but serve primarily to arrange social activities for workers. They do not engage in collective bargaining with management. According to members, these organizations have more flexible and direct dealings with enterprise management, since they are not subject to ACFTU strictures.

There are roughly 540 million rural workers, the overwhelming majority of whom are not organized. Farmers do not have a union. However, farmers have written millions of letters to the central and local governments to express their views on working conditions, and government officials have been reasonably responsive. There are approximately 125 million agricultural workers in TVE's. The ACFTU has attempted in recent years to recruit TVE workers, but only 5.2 million had joined as of 1999. Although some TVE's have local branches of the ACFTU, most TVE managers maintain that an ACFTU presence is not feasible because their employees continue to be classified as "farmers" rather than "workers." However, some Communist Party secretaries in TVE's take it upon themselves to establish union representation and then affiliate with the ACFTU.

In 1999 migrant workers began to form semiautonomous "village labor unions" on the rural outskirts of some cities in order to represent their interests in new private sector industries. These nascent, loosely organized groups continued to operate, but they reportedly did not grow in size or scope. Local governments have not interfered in their activities, although these organizations have not yet been brought formally within the ACFTU. According to some domestic press reports, these village unions are effective, relatively independent, and cooperative with city governments.

During the year, the Government continued its efforts to eliminate illegal union activity, including through detention or arrest of labor activists. In mid-December labor activist Cao Maobing was detained and admitted against his will to a psychiatric hospital in Yancheng, Jiangsu Province, where he reportedly also was forced to take medication. At year's end, he remained at the facility. According to press reports, Cao led workers at a local silk factory in an effort to form an independent labor union after they concluded that the official ACFTU would not help them address their grievances. Workers' grievances included alleged corruption on the part of factory management, the nonpayment of promised worker subsidies, and unpaid pensions. In mid-November 1,800 of the workers reportedly began a strike. Cao was arrested soon after he spoke to Western reporters about efforts to set up an independent union; reportedly, he suffered from no apparent mental illness. According to a report by the General Secretary of the International Metalworkers Federation, near Funing, workers at textile factories, a brewery, and a fertilizer plant have attempted unsuccessfully to form independent unions. In December 1999, authorities in Henan Province committed Xue Jifeng to a mental hospital after he attempted to establish an independent labor union to support workers harmed in a financial fraud. He was held until June (see Section 1.d.). In May Zhang Shanguang, the founder of the short-lived Association to Protect the Rights and Interests of Laid-off Workers, lost an appeal against a 1998 10-year prison sentence for providing "intelligence" to foreigners. Zhang had informed a Radio Free Asia reporter about worker protests in Hunan Province. Labor activist Liao Shihua, originally arrested in 1999 on subversion charges after taking part in a workers' demonstration in Hunan, was sentenced in June to 6 years in prison. Yue Tianxiang, Guo Xinmin, and Wang Fengshan, who established the "China Workers Watch" organization to defend workers' rights, were arrested in 1999 and sentenced to 10 years, 2 years, and 2 years in prison, respectively, for subversion. Wang was released in August, but Yue and Guo remained in prison. He Chaohui, who was given a 10-year prison sentence in 1999 for providing human rights organizations with information on worker protests, remained in prison. He had previously served 2 years in prison in the 1980's for illegal union activities and had more recently organized worker demonstrations in Hunan. In 1999 he was convicted for providing human rights organizations overseas with information on protests. Liu Jingsheng, who received a 15-year prison sentence in 1995 for attempting to organize independent labor unions, also remained in prison. Shanghai labor dissident Wang Miaogen disappeared in 1999, and some observers believe that he is being held in a psychiatric hospital.

In June the Government released labor activists Li Wangyang and Zhang Jingsheng from prison. Li and Zhang were sentenced in 1989 to 13 years in prison after they cofounded the "Autonomous Federation of Workers" and participated in the Tiananmen Square demonstrations. Zhang had earlier served a 4-year prison sentence for taking part in the 1979 Democracy Wall Movement. Li was released from prison on bail in 1996 but was reincarcerated in 1997.

Neither the Constitution nor the labor law provides for the right to strike. The right to strike was removed from the Constitution in 1982 on the grounds that the political system had eradicated problems between workers and enterprise owners. The Communist Party exerts strong control over organized labor. Strikes are not sanctioned officially, and workers virtually never act through unions to obtain concessions from management by means of work stoppages. Accurate statistics on strike incidents are not available. However, labor disputes have risen in recent years; according to the Labor Ministry, there were 8,150 labor disputes in 1992, and over 120,000 in 1999. During the year, there continued to be numerous demonstrations by workers and retired workers protesting unpaid wages, benefits, pensions, or unemployment stipends. Workers also protested continuing large-scale layoffs that have been prompted by industrial restructuring. Most demonstrations were short and nonviolent, with participation ranging as high as the thousands. Government authorities generally responded with minimal force and refrained from detaining large numbers of participants. However, in several cases, demonstrations disrupted access to railway lines or other public facilities and were suppressed by force. For example, in February mine workers in Liaoning Province clashed with police and military officers for 3 days after the closure of a mine was announced; the miners, although given a severance package, were owed 18 months' wages (see Sections

1.c. and 2.b.). Workers were also angry over the alleged corruption of the factory bosses. The area was briefly placed under martial law. In May up to 2,000 unpaid workers reportedly protested at their factory and at local government offices in Liaoyang, Liaoning Province; the police eventually broke up the demonstration. Dozens were reported injured, and three persons were arrested. In December the Information Centre for Human Rights and Democracy reported that 2,000 construction workers in Heilongjiang Province who had not been paid in 2 years briefly blocked a railway line. In at least one city, Shenyang, local government officials banned public demonstrations effective July 20 (see Section 2.b.), although demonstrations continued to take place. Authorities in some cases provided funds to alleviate wage or benefit arrearages in response to the demonstrations.

The Labor and Trade Union laws give unions the role of mediators with management in cases of labor disputes. Under these laws, the formal dispute settlement procedure allows cases to be submitted first to an enterprise's mediation committee, whose chairman should be a union representative. If the dispute remains unresolved, or if either party chooses to bypass the mediation process, the case may then be submitted to a local arbitration committee, which should include representatives from the union, management, and local government. If no solution is reached at this level, the dispute may be submitted to the courts. Nationwide there are approximately 270,000 enterprise labor dispute mediation commissions and more than 3,100 labor dispute arbitration commissions set up under Ministry of Labor and Social Security auspices. There are 1,569,000 full- and part-time enterprise mediators and more than 17,000 labor arbitrators. The number of labor disputes has risen rapidly in recent years. According to statistics released during the year by the Ministry of Labor and Social Security, arbitration committees nationwide handled over 120,000 labor disputes in 1999, nearly double the 1998 figure and quadruple the 1995 number. According to a 1999 report of the International Confederation of Free Trade Unions (ICFTU), these mediation efforts are often preferential to employers and largely are ineffective in advocating worker rights.

The country is a member of the International Labor Organization (ILO) and has ratified core ILO conventions prohibiting child labor and discrimination in remuneration for male and female workers. China has not ratified other core conventions regarding the right of association, the right to collective bargaining, and the prohibition against compulsory labor. The Government has worked closely with the ILO for several years on programs in such areas as industrial relations, employment promotion, and occupational safety.

The ICFTU brought a complaint against the Government to the ILO in 1998, alleging the detention of trade unionists and violations of the right to organize. The Government denied the allegations in its official response to the ILO in March 1999. Later in 1999, the ILO's governing body found the response inadequate and requested the Government to provide additional information. The Government has not yet replied to the request.

There are no legal provisions allowing for individual unions to affiliate with international labor organizations. However, the ACFTU has cultivated relations with international trade union organizations. According to the ACFTU, by mid-year it had established exchanges and cooperative relations with over 400 trade unions and international and regional trade organizations in over 130 countries and regions. Over the past year, roughly 60 official ACFTU delegations traveled overseas to meet and study with trade union counterparts. During the year, the ACFTU for the first time received a visit from the head of the ICFTU.

b. The Right to Organize and Bargain Collectively.—The Labor Law permits collective bargaining for workers in all types of enterprises. The law also provides for workers in all types of enterprises to sign individual as well as collective contracts. Collective contracts are to be worked out between ACFTU or worker representatives and management and specify such matters as working conditions, wage scales, and hours of work. Individual contracts which are to be drawn up in line with the terms of the collective contract. Collective contracts must be submitted to local government authorities for approval within 15 days. According to the ACFTU, 75 million workers in over 360,000 enterprises worked under contracts that were negotiated in this fashion as of mid-June 1999.

In spite of these legal and procedural provisions for collective bargaining, workers in collective and state-owned enterprise have little real power to influence wage levels, although small number of workers with high level technical skills can negotiate effectively on salary and fringe benefits. MOLSS sets guidelines for determining the total wage bill for each collective or state-owned enterprise: 1) as a percentage of profits, 2) as a contract amount with the local labor bureau, 3) as a state-set amount for money-losing enterprises, or 4) as an enterprise-set amount subject to Labor Ministry review. Individual enterprises determine how to divide the total among

workers, a decision usually made by the enterprise manager in consultation with the enterprise's Communist Party secretary and the ACFTU.

Worker congresses, which are held once or twice a year, have been established in over 314,000 enterprises. ACFTU officials publicly have called for strengthening worker congresses—particularly on the sale and merger of enterprises. Enterprise employees or their representatives attend to examine enterprise policies and reform plans. Participants are supposed to be entitled to evaluate and, if necessary, dismiss enterprise managers. Unions, in consultation with management, are supposed to implement resolutions passed by the congresses. However, these rights have not been realized in practice. Many worker congresses are rubber stamps for deals predetermined by the manager, union representative, and Communist Party secretary. In smaller enterprises, the same person sometimes holds these three posts.

The Trade Union Law prohibits antiunion discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. Given strict top-down control of organized labor activity, and Communist Party control of unions, instances of reprisals or discriminatory action by management against unions are uncommon. The Government ratified ILO Convention 100 on discrimination in 1990.

Laws governing working conditions in special economic zones (SEZ's) are not significantly different from those in the rest of the country. Wages in the SEZ's and in the southeastern part of the country generally are higher than in some other parts of the country because high levels of investment have created a great demand for available labor. As in other areas of the country, officials have admitted that some foreign investors in the SEZ's are able to negotiate "sweetheart" deals with local partners that effectively bypass labor regulations. Some foreign businesses in the SEZ's have ACFTU-affiliated unions, and management reports positive relations with union representatives. One reason is that the ACFTU discourages strikes and work stoppages.

c. Prohibition on Forced or Compulsory Labor.—The law prohibits forced and bonded labor, but forced labor is a serious problem, particularly in penal institutions. Some penal facilities contract with regular industries for prisoners to perform manufacturing and assembly work. Others operate their own companies. A 1999 directory of Chinese corporations published by a foreign business information company listed at least two correctional institutions as having business enterprises. Human rights advocates note government publications that document the export of products made with prison labor. Regulations bar the export of prison-made goods, but these regulations are not enforced effectively. In 1998 there were reports that soccer balls, manufactured for a foreign company, were produced for export by prisons in the Shanghai area. A request for investigation of the allegations was made to the Government in October 1998; there has been no response to date.

In 1992 the U.S. and Chinese Governments signed a Memorandum of Understanding (MOU) prohibiting trade in products produced by prison labor. It also allows U.S. officials, with the approval of the Government, to visit prison production facilities to check specific allegations that prisoners in these facilities have produced goods exported to the U.S. A statement of cooperation (SOC) detailing specific procedures for implementation of the MOU was signed in 1994. Although the signing of the SOC initially helped foster a more productive relationship between U.S. diplomats and Chinese authorities, since 1997 Chinese authorities have permitted only one U.S. inspection of prison facilities. In April the Ministry of Justice met with U.S. Embassy officials to discuss prison labor after having declined to do so for 3 years. In September the Ministry permitted U.S. Embassy officers to visit the Dezhou Shengjian Machine Works in Shandong Province, a site that was the subject of a longstanding visit request. No evidence was found to support allegations that prison labor there had been used to produce items exported to the U.S. During the year, the Ministry of Justice made no response to seven requestsone dating back to 1992 and several dating back to 1994—for visits to sites suspected of exporting prison labor products to the United States. U.S. officials also renewed requests, some dating back to 1994, for the Ministry of Justice to investigate 10 other facilities suspected of exporting prison labor products. The Ministry of Justice did not respond to any of these additional requests during the year.

In addition to prisons and reform-through-labor facilities, which hold inmates sentenced through judicial procedures, the Government also maintains a network of reeducation-through-labor camps, to which persons are sentenced, without judicial review, through administrative procedures (see Section 1.d.). Inmates of reeducationthroughlabor facilities generally are required to work, and there have been reports that products made in these facilities are exported. The Government has taken the position that the facilities are not prisons and has denied access to them under the 1992 prison labor MOU with the United States. Credible reports

from international human rights organizations and the foreign press indicate that some persons in pretrial detention also are required to work. Inmates of custody and repatriation centers, who also have been detained administratively without trial, reportedly are required to perform labor while in detention, often to repay the cost of their detention. Most such inmates perform agricultural labor (see Sections 1.d. and 1.e.).

Most anecdotal reports conclude that working conditions in the penal system's light manufacturing factories are similar to those in other factories, but conditions on the penal system's farms and in mines can be very harsh. As in many workplaces, safety is a low priority. There are no available figures for deaths and injuries in prison industries.

According to press reports, in June more than 2,300 inmates at the Shangrao labor camp staged a strike in protest against forced overtime doing the intensive labor of ore milling. After camp officials called in over 500 armed police to suppress the strike, a riot occurred. In the incident, 3 persons were killed and more than 70 were wounded (see also Sections 1.a. and 1.c.).

Trafficking in women, and the kidnaping and sale of women and children for forced prostitution, are serious problems (see Sections 5 and 6.f.).

The law prohibits forced and bonded labor, including that by children, and the Government on balance is believed to enforce the prohibition effectively, except in regard to the problem of trafficking in children for forced prostitution (see Sections 5 and 6.f.) and of child labor in custody and repatriation centers (see Sections 1.d., 1.e., and 5). During the year, the media (including domestic media) reported several cases in which children were alleged to have been compelled to work (See section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law specifies that, with a few strictly-supervised exceptions, “no employing unit shall be allowed to recruit juveniles under the age of 16,” 2 years older than the ILO standard age of 14 years for developing countries. The Labor Law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that children are to receive 9 years of compulsory education and that parents or guardians should provide for their subsistence. Laborers between the ages of 16 and 18 are referred to as “juvenile workers,” and are prohibited from engaging in certain forms of physical work, including labor in mines. The Government adopted ILO Convention 138 on the minimum age of employment in 1999. The Government has not adopted ILO convention 182 on the worst forms of child labor. The Government also has not made a public statement on the eradication of such labor or established a national program with that objective.

The Government maintains that the country does not have a significant child labor problem, although Government officials concede privately that isolated cases of illegal child labor exist. Of the country's approximately 300 million children, the number who are working in contravention of ILO conventions or the law is unclear. Since 1999 the ILO has attempted unsuccessfully to secure central government consent to conduct studies on the national scope of illegal child labor. Local experts on child labor estimate that the number is in the tens of thousands and that the overwhelming majority of children involved work voluntarily, with family encouragement. These experts say that working children are mostly from rural areas in the interior provinces, where lagging economic conditions in recent years have led families to seek additional sources of income. Rural teenagers, for example, have been attracted increasingly to work in urban factories, since wages there are higher than can be obtained in agricultural areas. Apart from agricultural work, child workers in rural areas appear to work primarily for TVE's. In urban areas, they may take up such jobs as car washers, garbage collectors, and street vendors. Some academics suspect that coal mines, which often operate far from urban centers and out of the purview of law enforcement officials, also occasionally employ children.

Moreover a leading labor analyst states that the growing flow of adult workers from rural areas to urban areas in search of better paying jobs has created a shortage of labor in some rural industries, mines, and agriculture. This has led to increased child labor in these areas as children are recruited to fill these jobs. In July a Hong Kong newspaper reported that a factory in Fujian Province employed child laborers. In August the same newspaper reported that a foreign fast food chain had been issuing promotional items in Hong Kong that were produced with child labor by a company in Guangdong Province. The company stated that it previously had inspected the factory without finding evidence of child labor.

Trafficking in children for purposes of labor is a problem. While there are no reliable estimates of the number of children trafficked for all purposes, those trafficked for purposes of labor are estimated to be the majority. Children trafficked to work

usually are sent from poorer interior areas to relatively richer interior areas or large cities; traffickers reportedly often entice parents to relinquish their children with promises of large remittances that their children will be able to send back to them. Many such children work in small factories. Rising school tuition fees and declining rural incomes discourage many rural parents from keeping their children, especially girls, in school beyond the fourth grade and make such offers more attractive. The children's remittances, along with bribes paid by traffickers to authorities, have made investigation into the scope of the problem difficult. During the year, the media gave unprecedented coverage to illegal child labor cases, fueling concerns in nongovernment circles that child labor was a bigger problem than acknowledged by the Government. Media reports publicized a campaign against the trafficking of women and children that was launched in April by the Ministry of Public Security and the All-China Women's Federation (ACWF), the government agency responsible for the enforcement of child labor legislation (see Section 6.f.). Also in April, a story about the rescue of 84 children who were taken from Guizhou Province and forced to work in a Zhejiang Province factory appeared on television. Newspapers and radio stations later reported on traffickers deceiving families and placing children in difficult working conditions.

The ILO and UNICEF have begun cooperation with local government officials and the All-China Women's Federation to assist child victims of trafficking, some of whom were trafficked for forced labor purposes. In August the ILO launched a program with local Government officials in Yunnan Province to reenroll former child workers in school.

e. Acceptable Conditions of Work.—The Labor Law codifies many of the general principles of labor reform, setting out provisions on employment, labor contracts, working hours, wages, skill development and training, social insurance, dispute resolution, legal responsibility, supervision, and inspection. There is no national minimum wage; the Labor Law allows local governments to determine their own standards on minimum wages. In general local governments set minimum wage levels higher than the levels they set for the local minimum standard income, but lower than the current wage level of the average worker. Minimum wages are usually sufficient to provide a decent standard of living for a worker and family.

Media reports note that in many industries, including textile and garment manufacturing, compulsory overtime is common, and that on occasion, there is no provision of extra pay for overtime. There are also media accounts of workers being prevented from leaving factory compounds without permission.

The MOLSS has implemented a nationwide system to provide unemployment benefits to laid-off urban workers and basic living stipends to the poorest urban residents. There are 20 million laid off and unemployed workers in an urban workforce of about 240 million (see Section 6.a.). Unemployment benefits are set as a percentage of a worker's former salary. Basic living stipends supplement the difference between a poor person's income and the minimum standard income for the city where he lives. Each city government determines the minimum standard income on the basis of local economic conditions. In addition to the stipend, families living on less than the minimum standard income are eligible for subsidized food, medical services, housing, and funds to enable school-age children to complete compulsory education. In 1999 the Government raised both unemployment benefits and basic living stipends by 30 percent, despite reports that a number of cities had difficulty funding benefits and stipends even before the increase. While there were no additional increases during the year, these funding problems persisted, particularly in the poorer northeastern and interior provinces. The cities with the highest minimum standard incomes were Shenzhen, Guangzhou, Shanghai, and Beijing at \$39 (RMB 319), \$38 (RMB 312), \$34 (RMB 280), and \$31 (RMB 260) per month, respectively. Less developed cities such as Hohhot (Inner Mongolia) and Nanchang (Jiangxi Province) raised minimum standard incomes to \$17 (RMB 143) and \$16 (RMB 130) per month, respectively. However, many workers reportedly are not receiving the benefits they are entitled to, because the state-owned enterprises and governments are unable to contribute to the funds that pay them (see Section 6.a.).

According to statistics published by the National Bureau of Statistics (NBS), the annual per capita income of urban residents in 1999 was \$705 (RMB 5,854), an increase of 8 percent in real terms from 1998. The per capita income of rural residents was \$266 (RMB 2,210), a real increase of 2 percent from the previous year. NBS figures for the first 9 months of the year indicated that urban incomes were growing by 8.4 percent, while rural incomes were increasing by only 2.5 percent, widening the already large gap between the living standards of the 800 million rural residents and those of urban workers. Economists have estimated the ratio between average urban incomes in southern coastal Provinces and rural incomes in interior Provinces at 12 to 1.

The Government reduced the national standard workweek in 1995 from 44 hours to 40 hours, excluding overtime. The Labor Law mandates a 24-hour rest period weekly and does not allow overtime work in excess of 3 hours a day or 36 hours a month. It also sets forth a required scale of remuneration for overtime work. Enforcement of regulations governing overtime work varies according to region and type of enterprise.

Occupational health and safety remain problems and are frequent themes of campaigns and posters in enterprises. The poor enforcement of occupational health and safety regulations continues to put workers' lives at risk. Working conditions in the private sector often are poor. Recognizing this, the Government continued during the year to cooperate with the ILO in organizing training programs for enterprises' health and safety officers as well as local government officials. The current work injury insurance system covers only 40 million of the country's 200 million industrial workers. Every work unit must designate a health and safety officer, and the ILO has established a training program for these officials. Nonetheless there is a high rate of industrial accidents, with most of the accidents occurring in the mining sector. In 1998 President Jiang Zemin called for a concerted effort to improve occupational safety after industrial accidents reached an all-time high of 18,268 in 1997. According to official national statistics, the number of industrial accidents declined 16 percent from 1997 to 15,372 in 1998 and fell another 14 percent to 13,258 in 1999. Compared with 1998, deaths stemming from accidents in 1999 declined 14 percent to 12,587, and the number of seriously injured workers fell 12 percent to 4,936. However, in 1999 there were 96 industrial accidents in which 10 or more people died, an increase of 16 percent over 1998. During the year the State Economic and Trade Commission said that the number of industrial deaths and injuries was still excessive and faulted poor safety supervision by business enterprises. Less than half of rural enterprises meet national dust and poison standards. Many factories that use harmful products, such as asbestos, not only fail to protect their workers against the ill effects of such products, but also do not inform them about the potential hazards.

Industrial accident statistics for Shenzhen and Guangdong, which have been reported by the Chinese and foreign media, suggest that official national statistics may be understated. According to press reports in April, an investigation by the Workers Daily found that 15,000 serious accidents occurred in Shenzhen's 9,582 factories in 1999, of which 12,189 were handled by the local Labor Bureau. The investigation also found that on average 31 workers per day were injured in work-related accidents that left them permanently disabled, and 1 worker died as a result of a work-related accident every 4th days. The China Machinery Daily reported in 1999 that there were over 20,000 cases of industrial injuries per year in Guangdong. The same newspaper also reported that about 50,000 persons nationwide lose fingers yearly in industrial accidents.

As in 1998, the overall improvement in industrial safety in 1999 was due largely to a decrease in mine accidents, which in past years have accounted for more than half of all industrial accidents. Compared with 1998, the number of mine accidents declined 20 percent in 1999 to 4,516 (representing one-third of all industrial accidents). While mining deaths fell 18 percent to 7,705 in 1999, that number still represented nearly two-thirds of all industrial deaths. The decline was primarily the result of a continuing national drive that, for both safety and economic reasons, has shut down approximately 36,000 small, unlicensed coal mines since 1998. The purpose of the drive has been two-fold: to reduce mine accidents and to lower the surplus supply of coal, which has driven down coal prices in recent years.

Although the Constitution does not provide for the right to strike, the Trade Union Law explicitly recognizes the right of unions to "suggest that staff and workers withdraw from sites of danger" and participate in accident investigations. However, it is unclear to what extent workers actually can remove themselves from such dangerous situations without risking loss of employment. Private sector workers in particular fear the loss of their jobs if they complain about working conditions. Workers who are permanently disabled in work-related accidents generally are fired, leaving them without a means of support or often even a place to live. Workers who are injured, killed, or sickened on the job or who are exploited by their employers often have little effective recourse, being unable to afford the expense of legal remedies, and are not compensated. However, there are a very few private attorneys who specialize in such cases, and there are some legal aid organizations which can assist workers in such cases.

f. Trafficking in Persons.—Trafficking in persons and the abduction of women for trafficking (particularly within the country) are serious problems. The country is a source and a destination point for trafficking in persons. The purchase of women was criminalized in 1991, with the enactment of the NPC Standing Committee's

"Decision Relating to the Severe Punishment of Criminal Elements Who Abduct and Kidnap Women and Children," which made abduction and sale separate offenses. The 1992 Law on the Protection of Women's Rights and Interests also addressed the issue of trafficking in women. Individuals have been sentenced to death for their involvement in the trade in persons. Two persons reportedly were executed in May in Guangxi Province for drugging, raping, and selling three women. That same month, a man was executed in Guangdong Province for trafficking in women. On May 30, two persons convicted of trafficking in children were executed in Jiangxi Province and one was executed in Guizhou Province. In October four men in Jiangsu Province reportedly were executed for selling women, for between \$180 and \$480 each, into forced prostitution and pornographic exploitation. In November a man was sentenced to life in prison for smuggling more than 277 persons into other countries.

According to some estimates by experts, there may be 4 to 10 million commercial sex workers in the country, an unknown number of whom may have been trafficked (see Section 5). The increased commercialization of sex and related trafficking in women has trapped thousands of women in a cycle of crime and exploitation, and left them vulnerable to disease and abuse. According to one estimate, there are 70,000 prostitutes in Beijing alone; other estimates have placed the number as high as 200,000 or more. According to the official Xinhua News Agency, one in five massage parlors in China is involved in prostitution, with the percentage higher in cities. Prostitutes can be found at many bars and clubs in urban areas.

Women also are trafficked within or to China for the purpose of forced marriage, and it is estimated that the majority of women trafficked within the country are trafficked for this purpose. Some experts, including the CEDAW Committee, have suggested that the serious imbalance in sex ratios in some regions (see Section 1.f.) has created a situation in which the demand for marriageable women cannot be met by local brides, thus fueling the demand for abducted women. Others have suggested that the problem is exacerbated by the tendency for many village women to leave rural areas to seek employment, and by the tradition that requires that expensive betrothal gifts be given to women. The cost of betrothal gifts may exceed the price of a bride and thus makes purchasing a bride more attractive to poor rural families. Some families address the problem of a shortage of women by recruiting women in economically less advanced areas. Others seek help from criminal gangs, which either kidnap women or trick them by promising them jobs and an easier way of life and then transport them far from their home areas for delivery to buyers. Once in their new "family," these women are "married" and raped. Some accept their fate and join the new community; others struggle and are punished. According to reports, many of the kidnappings also occur in provinces where the male to female ratio is generally balanced. Guangdong Province also is a receiving point for women trafficked for the purposes of marriage.

There were reports that women from Burma, Laos, North Korea, Vietnam, and Russia were trafficked into the country either to work in the sex trade or to be forced to marry Chinese men. Border guards reportedly are involved in trafficking in women from the Democratic People's Republic of Korea into China. Trafficking of North Korean women into the country to become brides or to work in the sex industry is reportedly widespread in the northeastern part of the country. Many such women, unable to speak Chinese, are virtual prisoners. Some if not many of the Korean women are sold against their will to rural men—in both ethnic Korean and ethnic Han areas—who have difficulty finding wives in their home villages. Others end up working as prostitutes. According to press reports, North Korean brides were sold for the equivalent of between \$38 and \$150. Women reportedly also were trafficked from Vietnam into China for purposes of forced marriage.

According to press reports, trafficking victims have been detained by the authorities in custody and repatriation centers before being returned home (see Sections 1.d. and 1.e.).

Chinese women are being trafficked to other countries for work in a variety of forced labor situations, most commonly sweatshops and the sex industry. Reports indicated that women were trafficked to destinations including Malaysia, Burma, Taiwan, Australia, Japan, the United States, and Canada; most apparently were from impoverished areas. Most trafficked Chinese women in Malaysia are from the coastal areas of Guangdong, Fujian, and Shanghai. One prominent social worker estimates that there are thousands of Chinese women working as prostitutes in Malaysia. Ethnic Chinese gangs trafficked most of these women to Malaysia. Most Chinese women trafficked to Australia reportedly are from Shanghai, Hong Kong, and Guangzhou.

Despite Government efforts to prevent kidnapping and the buying and selling of children, trafficking in children also is a problem, affecting all provinces (see Sec-

tions 5 and 6.c.). There are no reliable estimates of the number of children trafficked. Domestically most trafficked children are sold to couples unable to have children; in particular, boys are trafficked to couples unable to have a son. Children also are trafficked for labor purposes. Children trafficked to work usually are sent from poorer interior areas to relatively richer interior areas; traffickers reportedly often entice parents to relinquish their children with promises of large remittances that their children will be able to send back to them (see Section 6.d.). In mid-year, the Government emphasized the use of DNA technology to confirm parentage, and the Ministry of Public Security reportedly has invested millions of dollars to establish a national DNA databank. Since December 1998, the authorities also have reported an increase in the number of children being trafficked to other countries by alien smugglers for purposes of forced prostitution (see Sections 5 and 6.c.).

Alien smuggling rings also traffic persons to other countries, including Australia, Canada, Croatia, Japan, the United States, Italy, and other countries in Europe and around the world, to work in domestic service, restaurants, sweatshops, and other businesses. It has been estimated that as many as 100,000 persons leave the country each year in search of better economic opportunities. Most are from a few counties in Fujian Province, a relatively prosperous region by the country's standards. Authorities in Italy reported in 1999 that an estimated 30,000 illegal Chinese immigrants work in sweatshop conditions outside of Florence, with many children working alongside their parents in the production of scarves, purses, and counterfeit brand name products. Alien smuggling rings often have ties to organized crime and are international in scope, sometimes smuggling persons through third countries in order to facilitate their entry into the destination country. An NGO reported that traffickers frequently rely on the collusion or active involvement of officials. In late 1999, authorities in the U.S. and Canada began to find persons smuggled from China in shipping containers on cargo ships arriving from Hong Kong; in the first 3 weeks of the year alone, according to press reports, more than 100 persons had been found in shipping containers in ports on the west coast of Canada and the United States. In one case, 3 trafficked persons were found dead in one poorly provisioned and unsanitary shipping container; another 15 survived their ordeal, but 7 of the survivors required hospitalization. In January two Chinese nationals were charged with attempting to smuggle persons from China into the United States. According to press reports in December 1999, several Chinese were smuggled into the United States in a well-provisioned cargo container. There were reports that the persons in the container may have paid between \$30,000 and \$50,000 (248,000 to 410,000 RMB) each for their passage. On June 19, customs officials in the United Kingdom, conducting a routine inspection, found the bodies of 58 Chinese men and women in the back of a Dutch tomato truck that had crossed the English Channel on a ferry from Belgium. Two persons were found alive near the rear door of the truck. The doors had been sealed, and although the truck was equipped with refrigeration units, they were not turned on, despite the high temperatures that day. It was not immediately clear whether the victims died due to a lack of air, or to the heat, or both. Most of the victims were from Fujian Province. British officials arrested the truck driver on charges of manslaughter and immigration law violations; two Chinese nationals in the UK also were arrested. Dutch officials arrested another two persons in connection with the case. Press reports indicated that trafficked persons traveling clandestinely on trucks from the European continent into England have long been a problem.

Those trafficked by alien smugglers may pay high prices, reportedly up to \$70,000 each, for their passage to other countries. Many trafficked persons find themselves working in situations akin to indentured servitude. Upon arrival, many traffickers reportedly forced trafficked persons to repay the smuggling charges by working in specified jobs for a set period of time. They often are forced to pay charges for living expenses out of their meager earnings, as well. Other smugglers threaten the families of trafficked persons with harming a trafficked person if the family does not pay the smuggling fees immediately, leaving the trafficked person to work to repay the debt the family has incurred on his or her behalf back home. Nonetheless many are able save money and send it home to relatives. Trafficked persons generally live and work under poor conditions, and they may be required to work long hours. Their movements often are restricted by the smuggling rings that trafficked them, and their travel documents, which are often fraudulent, frequently are confiscated. Victims of trafficking face threats of being turned in to the authorities as illegal immigrants and threats of retaliation against their families at home if they protest the situation in which they find themselves.

Trafficked persons who are repatriated may face fines for illegal emigration upon their return; after a second repatriation, persons may be sentenced to a term in a reeducation-through-labor camp. Alien smugglers are fined \$6,000 (50,000 RMB) and

may be sentenced to up to 3 years in prison, although some have been sentenced to death.

Although the central Government and various provincial and local governments have attempted to crack down on the sex trade and thus on one type of trafficking, there have been numerous credible reports in the media of complicity in prostitution by local officials. Thus far actions to stop this lucrative business, which involves organized crime groups and business persons as well as the police and the military, have been largely ineffective. However, in April the Ministry of Public Security, along with the All-China Women's Federation and other departments, launched a several-month-long campaign against trafficking in women and children. Official media reported that 110,000 women and 13,000 children who had been trafficked were rescued during the campaign; some were trafficked for purposes of prostitution, and others for labor. According to press reports, at least eight persons convicted of trafficking women and children for prostitution were executed during the campaign. At least seven others were sentenced to long prison terms. The Government also established a national telephone hot line on abduction, as well as a national databank on victims and traffickers. Nongovernmental experts observed that the mid-year national campaign against trafficking focused primarily on the criminal aspects of the trafficking problem and less on the reintegration of victims into their communities, despite the involvement of the All-China Women's Federation.

HONG KONG

Hong Kong reverted from British to Chinese sovereignty on July 1, 1997 (the handover). As a Special Administrative Region (SAR) of the People's Republic of China (PRC), Hong Kong enjoys a high degree of autonomy except in defense and foreign affairs and remains a free society with legally protected rights. The Basic Law, approved in 1990 by the PRC's National People's Congress (NPC), provides for fundamental rights and serves as a "mini-constitution." A chief executive, selected by a 400-person selection committee that was chosen by a China-appointed preparatory committee, wields executive power. The legislature (known as the Legislative Council) is composed of directly and indirectly elected members. On September 10, the second Legislative Council was elected, for a 4-year term. Twenty-four seats were elected on a geographic basis through universal suffrage, 30 seats through functional (occupational) constituencies, and 6 seats through indirect election. Human rights groups and democracy advocates complained that the elections for functional constituency and election committee seats are undemocratic since only 180,000 voters were eligible to elect the 30 legislators elected by functional constituencies and the 6 legislators elected indirectly, while over 3 million persons were eligible to vote for 24 legislators elected by geographical constituencies. However, no parties boycotted the elections. Prodemocracy candidates won 17 of the 24 seats elected on a geographic basis (including one in a December by-election) and 22 seats overall. The power of the legislature is curtailed substantially by voting procedures that require separate majorities among both geographically and functionally elected legislators for bills introduced by individual legislators and by Basic Law prohibitions against the legislature's initiating legislation affecting public expenditures, political structure, or government operations. In addition the Basic Law stipulates that legislators only may initiate legislation affecting government policy with the prior approval of the Chief Executive. "Government policy" in practice is defined very broadly. By law and tradition, the judiciary is independent and the Basic Law vests Hong Kong's highest court with the power of final adjudication; however, under the Basic Law, the Standing Committee of the NPC has the power of final interpretation of the Basic Law. The Government's controversial 1999 request to the Chinese Government to seek such an interpretation resulted in an NPC Standing Committee interpretation which effectively overturned a ruling by the Court of Final Appeal, Hong Kong's highest court, raising questions about the potential future independence and ultimate authority of Hong Kong's judiciary.

A well-organized police force under the firm control of local civilian authorities maintains public order. Individual members of the police sometimes used excessive force. The 4,000 Chinese troops sent to Hong Kong in 1997 to replace the British military garrison have maintained a low profile and have not performed police functions.

Hong Kong is a major international trade and finance center. It is the principal gateway for trade and investment with China. A thriving free market economy operates with limited government interference. The economy, which provides residents a high standard of living, is in the midst of a strong recovery from the 1997-98 international financial crisis. Per capita gross domestic product is \$23,523 (HK\$183,483).

The Government generally respected the human rights of residents, and the law and judiciary generally provide effective means of dealing with individual instances of abuse. Human rights problems that existed both before and after the handover include: Limitations on residents' ability to change their government and limitations on the power of the legislature to affect government policies; reports of police use of excessive force; some degree of media self-censorship; violence and discrimination against women; discrimination against the disabled and ethnic minorities; intimidation of foreign domestic servants; and trafficking in persons for the purposes of forced labor and forced prostitution. Despite the ban on the Falun Gong in mainland China, the Falun Gong remained legally registered and generally free to continue its activities in Hong Kong.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

There was one reported instance of death of a detainee in police custody during the year. It was certified as a death by natural causes. At the end of 1999, there were two investigations of deaths in police custody that remained outstanding. Inquests held during the year concluded that the deceased in one of the cases had committed suicide, and that the deceased in the other case died as a result of natural causes.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law forbids torture and other abuse by the police; however, there were reports that police at times used excessive force against persons in custody. The law stipulates punishment for those who violate these prohibitions, and disciplinary action can range from warnings to dismissal. Criminal proceedings may be undertaken independently of the disciplinary process. Allegations of excessive use of force are investigated by the Complaints against Police Office, whose work is monitored and reviewed by the Independent Police Complaints Council (IPCC), a body composed of public members appointed by the Chief Executive.

Although excessive use of force by police is not widespread, there are occasional complaints of force being used during interrogations to coerce information or confessions. In the first 8 months of the year, the Complaints against Police Office received 697 complaints of assault by the police. Of the

209 cases in which investigations were completed and endorsed by the IPCC, 175 were withdrawn, 27 were deemed "not pursuable," 5 were judged to be false, and 2 were judged "unsubstantiated." The remainder (488 cases) were pending investigation at year's end. In 1999 of the 1,098 assault allegations received, one was substantiated, and the incident was noted in the concerned officer's record. Human rights groups have called for a more independent monitoring body, noting long delays in hearing some allegations, the large difference between the number of complaints received and the few that are substantiated, the light punishment that police officers received when complaints are found to be substantiated, and the unwillingness of some witnesses to pursue complaints for fear of retribution. In May the U.N. Committee against Torture expressed concern over the "lawful authority" defense of, and the lack of prosecutions under, the Crimes (Torture) Ordinance. In 1999 the U.N. Human Rights Committee expressed concern that police responsibility for investigation of police misconduct undermines the credibility of IPCC investigations and called on the Government to reconsider its approach.

In a June protest against the Government's right of abode (see Section 1.e.) policies, the police were accused of using excessive force when they used pepper spray and hit demonstrators when removing them from the entrance to the main government office building. As recommended by the Complaints against Police Office, two police officers received verbal warnings for their actions.

During the year, two police officers were sentenced to 7- and 9-months' imprisonment respectively for accepting bribes to provide a journalist with information between mid-1997 and November 1999 (see Section 2.a.).

Although conditions vary among facilities, prison conditions conform to international standards.

In early June, 35 persons were injured during riots at a low-security drug treatment center for prisoners. After rioting broke out among the prisoners, more than 200 police and security officials were called in to restore order. Twenty-two inmates and 13 security officers were injured; some of them required hospitalization.

The Government permits prison visits by human rights monitors. Local justices of the peace regularly inspect prisons, but these visits rarely are unannounced, and

justices of the peace speak with prisoners in the presence of Correctional Services Department staff. Human rights monitors have called for revisions to the inspection system.

d. Arbitrary Arrest, Detention, or Exile.—Common law, precedents previously in force, and the Basic Law provide substantial and effective legal protection against arbitrary arrest or detention. Suspects must be charged within 48 hours or released. The average length of preconviction incarceration does not exceed 80 days.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The judiciary has remained independent since the handover, underpinned by the Basic Law's provision that Hong Kong's common law tradition be maintained. Under the Basic Law, the courts may interpret on their own provisions of the Basic Law that are within the limits of the autonomy of the region. The courts may also interpret other provisions of the Basic Law that touch on Central Government responsibilities or on the relationship between the Central Authorities and the SAR, but before making final judgments on these matters, which are unappealable, the courts must seek an interpretation of the relevant provisions from the Standing Committee of the National People's Congress. (In the controversial 1999 "right of abode case," the Government, not the court, sought an interpretation from the Standing Committee.) When the Standing Committee makes an interpretation of the Basic Law provisions concerned, the courts, in applying those provisions, "shall follow the interpretation of the Standing Committee." Judgments previously rendered shall not be affected. The National People's Congress vehicle for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The Hong Kong members are nominated by the Chief Executive, the President of the Legislative Council, and the Chief Justice. Human rights and lawyers' organizations long have expressed concern that these exceptions to the Court of Final Appeal's power of final adjudication and this interpretation mechanism could be used to limit the independence of the judiciary or could degrade the courts' authority. In the controversial 1999 right of abode case the Government, which had lost the case in the Court of Final Appeal, Hong Kong's highest court, asked the court to clarify its decision. After the clarification, which did not fundamentally alter the court's decision, the Government sought an interpretation of the Basic Law provisions at issue in the case from the NPC Standing Committee. The NPC's interpretation effectively overturned the ruling by the Court of Final Appeal, and raised questions about the potential future independence and ultimate authority of Hong Kong's judiciary. During the year, the Chief Justice called upon the Government to explain and defend the principle of judicial independence, and the head of the bar association called the Government's 1999 appeal to the NPC to reverse a court ruling "a Damocles sword" hanging over the court. Since the controversy, the Government has expressed its intention to make recourse to the NPC interpretation mechanism a rare and exceptional act.

The Court of Final Appeal is Hong Kong's supreme judicial body. An independent commission nominates judges; the Chief Executive is required to appoint those nominated, subject to endorsement by the legislature. Nomination procedures ensure that commission members nominated by the private bar have a virtual veto on the nominations. Legal experts complained that the commission's selection process is opaque. In November legislators requested that the process be made transparent. The Government responded that privacy concerns prevented opening the process to the public. The Basic Law provides that, with the exception of the Chief Justice and the Chief Judge of the High Court, who are prohibited from residing outside of Hong Kong, foreigners may serve on Hong Kong's courts. Approximately 40 percent of Hong Kong's judges are expatriates from other common law jurisdictions. Judges have security of tenure until retirement age (either 60 or 65, depending on date of appointment).

Beneath the Court of Final Appeal is the High Court, composed of the Court of Appeal and the Court of First Instance. Lower judicial bodies include the District Court (which has limited jurisdiction in civil and criminal matters), the magistrates courts (which exercise jurisdiction over a wide range of criminal offenses), the Coroner's Court, the Juvenile Court, the Lands Tribunal, the Labor Tribunal, the Small Claims Tribunal, and the Obscene Articles Tribunal.

The law provides for the right to a fair public trial, and this is respected in practice. Trials are by jury, and the judiciary provides citizens with a fair and efficient judicial process.

Human rights activists remain concerned that the legal system may favor those closely aligned with China or with powerful local institutions. In particular, concerns were raised by two 1998 Justice Department decisions, in which the Government decided not to prosecute the New China News Agency for alleged violations

of the Privacy Ordinance (see Section 1.f.) or to prosecute a prominent newspaper editor with close ties to Beijing who was accused of fraud.

In 1998 the Provisional Legislature passed the controversial Adaptation of Laws (Interpretive Provisions) Ordinance, which replaced the word "Crown" in Hong Kong legislation with the word "State" in hundreds of existing laws. Critics expressed concern that this change would place the Chinese government organs above the law, since laws that previously did not apply to the Crown would now not apply to the (Chinese) State, including Central Government organs stationed in Hong Kong. Since 1998 51 laws have been amended to encompass the State specifically.

According to the Basic Law, English may be used as an official language by the executive, legislative, and judicial branches. For historical reasons and because of the courts' reliance on common law precedents, almost all civil cases and most criminal cases are heard in English. In recent years, however, the Government has developed a bilingual legal system. It has increased the number of officers in the Legal Aid Department proficient in Chinese and extended the use of bilingual prosecution documents and indictments. All laws are now bilingual, with the English and Chinese texts being equally authentic. All courts and tribunals may operate in either Chinese or English. Judges, witnesses, the parties themselves, and legal representatives each decide which language to use at any point in the proceedings. In May 55 percent of cases at the lowest level of the court system were conducted in Chinese.

Some human rights groups have expressed concern that the Government has not protected vigorously enough the interests of Hong Kong residents arrested in mainland China. The issue is complicated by the absence of an agreement allowing Hong Kong officials access to Hong Kong citizens arrested or detained in mainland China. To address this concern, public security authorities from Beijing and Hong Kong signed an agreement in October under which, beginning January 1, 2001, each side was to notify the other of certain categories of detentions of each other's residents.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for the right of privacy, and the Government generally respects this right in practice. Interception of communications is conducted under the Telecommunications Ordinance and the Post Office Ordinance, which require authorization for interception operations at the highest levels of government. For example, wiretaps continued to be approved by the Chief Executive's office; a court issued warrant is not required. According to a September 1999 press report, the Government eavesdropped on private telephone conversations of more than 100 persons daily. The Government has refused to reveal how often the Chief Executive uses his powers to authorize telephone wiretaps and interception of private mail.

For more than 20 years, the Independent Commission Against Corruption was vested with powers, including the right to authorize searches and detain suspects, which normally are exercised only by a judicial officer. Amendments to ordinances governing the Commission took effect in 1997, depriving the Commission of the independent authority to issue arrest or search warrants. However, the Commission still does not apply the presumption of innocence in corruption cases, and criminal convictions are obtained by regarding any excessive, unexplainable assets held by civil servants as ill-gotten until proven otherwise.

In 1996 the Government established the Office of the Privacy Commissioner for Personal Data (PCO) under the Personal Data (Privacy) Ordinance (PDPO) to prevent misuse and disclosure of data such as medical and credit records. The ordinance also prohibits matching sets of personal data without the consent of the subject individual or the commissioner, although some government departments were exempted in order to combat social welfare abuse and tax evasion. Some violations of the PDPO constitute criminal offenses. In other cases, an injured party may seek compensation through civil proceedings. If the PCO believes that violations may continue or be repeated, it may issue enforcement notices to direct remedial measures. From the end of 1996 when the PDPO took effect through the end of September, the PCO had received 1,628 complaints. Since 1996 of the 1,525 completed investigations, the PCO found violations of the PDPO in 116 cases, resulting in 13 cases referred to the Department of Justice and the police for prosecution consideration, the issuance of 22 enforcement notices and 81 warning notices. Of the 13 cases referred to the Department of Justice and the police, the Government as of October had decided to prosecute 1 case and not to prosecute in 10 cases. Investigation continues in the remaining 2 cases.

Under the Adaptation of Laws (Interpretive Provisions) Ordinance, passed in 1998 by the Provisional Legislature, the Personal Data Privacy Ordinance is not applicable to the PRC government organs in Hong Kong. The Government is still considering whether PDPO should apply to Chinese government organs. In June 1999, the

High Court dismissed a legislator's civil suit over the failure of the then-New China News Agency (NCNA) to respond within the PDPO-specified time frame to the legislator's request for information about her in the agency's files, because the NCNA Director named in the suit was not in Hong Kong at the time the incident occurred. In October the Director of the NCNA, now known as the Liaison Office, Jiang Enzhu, served the legislator a writ requiring the legislator to pay his court costs, as is allowed under Hong Kong law. If unable to pay and forced to declare bankruptcy, the prodemocracy legislator—under the Basic Law—would lose her legislative seat.

In February the Hong Kong Telecommunications Authority issued guidelines requiring paging services to configure their systems so that Hong Kong-origin messages, including messages barred for transmission in places outside Hong Kong, including the mainland, could be transmitted in Hong Kong only. In October 1999, it was discovered that PRC censorship of Falun Gong-related information temporarily affected Hong Kong users of a major local paging service, China Motion Telecom, because the service used mainland-located transmission centers. The mainland-based employees of the company would not transmit messages regarding Falun Gong, even for Hong Kong customers, because of an alleged PRC instruction that any messages related to Falun Gong not be broadcast. Under scrutiny from the Government and pressure from the wider community, the company found a technical solution to the problem and as a result ended mainland-based censorship for customers whose service was limited to Hong Kong. However, the company insisted, and the Hong Kong Telecommunications Authority agreed, that the company must follow mainland laws (including censorship rules) for customers whose paging service extended to the mainland. Hong Kong customers with China-wide (rather than Hong-Kong-only) service remain unable to receive messages relating to Falun Gong when they are on the mainland.

In early June, He Zhiming, a deputy director of the Taiwan Affairs Department of the Central Government's Liaison Office, warned businessmen at the Chinese Chamber of Commerce not to do business with Taiwan firms that supported Taiwan independence. He noted that doing business with such firms posed a risk, and that those who violated the warning would suffer the consequences. The SAR Government quickly issued a statement rejecting the comments and reiterating its commitment to free trade. The SAR Government's statement noted that Chief Executive C.H. Tung had contacted the Director of the Liaison Office, Jiang Enzhu, after these comments were made, and he had indicated that the Liaison Office would continue to operate according to the Basic Law and would not interfere with the SAR's commercial activities. Nonetheless, many observers were deeply concerned by the incident, which followed soon after comments in April by Liaison Office officials to the press about how the media should report on Taiwan (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Law provides for freedom of speech, of the press, and of publication, and there was no apparent change in the tradition of respect for these freedoms by the Government after the handover; however, some journalists and news media continue to practice a degree of self-censorship, particularly in mainland-related reporting. Senior government officials regularly made statements in support of these freedoms. Overall, the media has been outspoken in defending civil liberties. Reporting on the September Legislative Council elections generally was regarded as fair and balanced. However, there are certain laws that potentially allow limits on some speech and press freedoms. The Telecommunications Ordinance grants the Government wide-ranging powers to ban messages whenever it "considers that the public interest so requires." The Public Order Ordinance enables the Government to ban a demonstration on national security grounds, including as a factor whether it advocates independence for Tibet or Taiwan. In practice this situation has not arisen and only 2 demonstrations—out of more than 7,000 since the handover—have been disallowed (see Section 2.b.). In November 1999, the U.N. Human Rights Committee expressed concern that the offenses of treason and sedition under the Crimes Ordinance are defined in overly broad terms, thus endangering freedom of expression. The Basic Law requires that the Government enact legislation prohibiting "treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets," but no such legislation has yet been proposed.

Newspapers publish a wide variety of opinions, including opinions on Taiwan, Tibet, PRC leadership dynamics, Communist Party corruption, and human rights. Persons speak freely to the media, and many use the media to voice their views. Political debate is vigorous, and numerous viewpoints, including stories and opinions critical of the SAR and Chinese Governments and statements by leading Chi-

nese dissidents and proindependence Taiwan activists, are provided in the mass media, in public forums, and by political groups. International media organizations operate freely. Sixteen major daily newspapers, 4 commercial television stations (broadcast and cable) and 2 commercial radio stations function with virtually no government control.

Foreign reporters need no special visas or government-issued press cards. Many local reporters continue to enter China to cover sensitive stories related to Hong Kong, Taiwan, or the mainland. China still requires journalists—both foreign and those from Hong Kong—to apply for permission to make reporting trips to the mainland. Those who bypass official channels—which many feel they must do to get the stories they want—risk violating Chinese regulations. At least one publication whose owner offended China's leadership several years ago subsequently has been unable to get official permission for its reporters to cover events on the mainland.

There is a widespread impression among both journalists and the public that it is prudent for the press to engage in a degree of self-censorship. The pressures on journalists to self-censor usually are subtle and indirect. There are no reports of direct orders to refrain from covering a certain issue, but there is a widely shared perception of a need for special care toward topics of particular sensitivity to China or Hong Kong's powerful business interests, such as leadership dynamics, military activity, Taiwanese or Tibetan independence, or powerful businessmen's relations with the mainland Government, although numerous articles on these subjects continue to appear in print and in the broadcast media. Chinese-language journalists report a pervasive, if tacit, understanding that editors expect those reporting on China to be particularly certain of their facts and careful in their wording. Another source of pressure comes from the belief by some publishers and editors that advertising revenues or their business interests in China could suffer if they were seen to be too antagonistic to China or powerful local interests. One publication that offended the leadership of the mainland government several years ago experienced an advertising slump from August to October 1999 when several property developers significantly reduced their advertisements in the newspaper. Executives at two companies reportedly acknowledged that they were wary at the time of advertising in that publication given perceived SAR administration displeasure with the newspaper. On December 10, International Human Rights Day, four newspapers printed Falun Gong advertisements protesting Chinese government persecution of its members. Three newspapers refused to print the advertisement; one based its refusal on the grounds that the advertisement was "defamatory of the Central Government."

In what many observers saw as an example of media self-censorship, the South China Morning Post (SCMP) in November demoted its long-time China observer Willy Lo-Lap Lam from the position of editor of the newspaper's China coverage to a position as an associate editor on mainland politics. Lam resigned rather than accept the change in responsibilities and claimed the newspaper's management had begun to "tone down" his column on China to avoid "exasperating" unnamed persons. The editor in chief denied the charges and attributed the change to a restructuring of China coverage for which different management skills were required. However, the incident followed a published letter to the editor from the newspaper's owner, who lambasted a Lam column that claimed a group of Hong Kong businesspersons (including the newspaper's owner) had been offered commercial advantages by Chinese leaders in return for supporting SAR Chief Executive C.H. Tung for a second term. A previous editor of the SCMP also described pressures from the ownership to fire Lam and others in the period before the handover, pressures that he only partially succeeded in resisting.

During the year, the SCMP's new English-language competitor, the Hong Kong iMail, brought back a satirical comic strip, which had been dropped abruptly by the SCMP in 1995 after it implicated then-PRC Premier Li Peng in the sale of organs from executed prisoners.

Since the 1999 controversy over the reassignment of the outspoken head of the government-owned Radio Television Hong Kong (RTHK) after RTHK produced a program in which a prominent but unofficial Taiwan representative endorsed then-Taiwan President Lee Teng-hui's controversial "two-states" policy, RTHK has continued to air views and news critical of the SAR and Chinese Governments, and continues to be criticized for this from supporters of the mainland Government. Some human rights groups have expressed concern that RTHK is dropping some of its more political programming in favor of softer cultural fare. The head of RTHK has acknowledged publicly "pressures" on RTHK for the last decade, but has been circumspect when asked to describe the pressures or to state whether such pressures continue. In general, however, there has been no discernible shift in RTHK's independent editorial stance since 1999's controversy. Debate continues over the desirability of the proposed privatization of RTHK.

At an April 12 public seminar, a senior deputy director of the Central People's Government Liaison Office in Hong Kong (formerly called the New China News Agency or Xinhua) stated that the Hong Kong media should not report views that advocate Taiwan independence as normal news. Arguing that even an objective report would have a bias, the official claimed that the Hong Kong media had the responsibility to uphold the integrity and sovereignty of the country. He claimed that this is not an issue of freedom of the press. He also stated that Hong Kong should expedite the drafting of antisubversion laws required by Article 23 of the Basic Law in order to define the difference between reporting on the issue of Taiwan independence and advocating independence (in order to make it clear what kind of reporting on Taiwan was permitted). The official's remarks created a furor among politicians, human rights activists, and the media, and renewed concerns over the drafting of the antisubversion law required by the Basic Law. Some saw the official's remarks regarding Taiwan as a warning to the press not to advocate independence for Taiwan. Acting Chief Executive Anson Chan issued a statement affirming freedom of the press under the Basic Law and restated the Government's position that the timetable and content of antisubversion legislation had yet to be decided. Prodemocracy legislators made clear their disagreement with the Chinese official's comments. Media and journalist organizations similarly objected to the official's remarks, stressing that news should not be influenced by government policies. Numerous newspaper editorials rejected the "advice" of the Chinese government official. Following the incident, there was no apparent diminution in Hong Kong media reporting on Taiwan, including of proindependence views. However, later in April, an Internet company's local affiliate blocked its chat room users from discussing certain politically sensitive topics. Phrases like "Taiwan independence" and "Tibet independence" were scrambled (English letters were replaced with asterisks, and Chinese characters were scrambled) when they were typed in chat rooms at the portal. Messages including those terms posted on the site's bulletin boards quickly were deleted. The Internet company is partly owned by the NCNA, the official PRC news agency (as well as by a foreign media company); the portal is registered in Hong Kong and has approximately 1 million registered users. The local affiliate company's chairman stated to the press that "there are certain areas that are considered sensitive in every market. Freedom of speech is not absolute." A spokesman for the company was quoted as saying the company wanted users to exercise self-discipline. After the media reports, the practices in question appeared to stop. In August a businessman and advisor to the central Government criticized the SCMP for reporting too little "good news" and too much "bad news." On October 27, Chinese President Jiang Zemin accused the Hong Kong media of naivete and low journalistic standards after a series of questions from journalists about whether he supported another term for Chief Executive C.H. Tung. President Jiang also cautioned journalists that they would be held accountable if their reports were not accurate enough. In November several major newspapers found that they were not invited to cover the festivities for the 20th anniversary of the Shenzhen special economic zone. Several reporters who tried to attend were detained for not having the appropriate credentials. On December 20, Chinese President Jiang warned the residents of Macau and Hong Kong against using their freedom to oppose the state and stated in remarks interpreted to include Hong Kong's news media that Macau's news media should value press freedom but also consider its social responsibilities.

In 1999 in response to a growing number of complaints about tabloid-style journalism, which encouraged intrusive reporting by the press, the Law Reform Commission (an independent commission appointed by the Government in the 1980's) suggested that a Press Council with the power to reprimand or fine a publication found to be "in serious breach of the Privacy Code" should be appointed by the Government. Public reaction included concerns by journalists, legal experts, human rights activists, and others that such a body could be used to restrict press freedom. The Government indicated its preference that the media should regulate itself. Many (but not all) major newspapers and news associations established an industry watchdog, the Hong Kong Press Council, which began its work in September. Some critics complained that not all newspapers, including those with the most invasion of privacy complaints against them (the *Oriental Daily*, the *Apple Daily*, and the *Sun*), had agreed to participate in the voluntary organization. Others expressed concern that even this nonstatutory organization could potentially be abused to restrict press freedoms. In the first 10 weeks of the new organization's work, it received around a dozen complaints. Some readers, reportedly including victims of sex crimes, claimed intrusion of privacy, while others complained of exaggerated, inaccurate, or graphic reporting.

In November a lawyer sued two radio talk show hosts for defamation, and the Court of Final Appeal ordered a retrial when it ruled that the trial judge in a lower

court had misdirected a jury in a way that could endanger freedom of speech. In so doing, the Court effectively overturned a 150-year old guideline for defamation cases and called for a more generous approach toward the defense of fair comment by ruling that honest remarks, even those made with malice, could still be construed as fair comments.

During the year, a reporter for a Chinese-language newspaper was sentenced to 10 years in prison for bribing police officers for information. The two police officers were sentenced to 7- and 9-months' imprisonment respectively for accepting bribes from mid-1997 to November 1999 (see Section 1.c).

It is illegal to desecrate a PRC or Hong Kong flag or emblem publicly and willfully. In December 1999, the Court of Final Appeal ruled unanimously that flag-desecration laws did not violate the Basic Law (or the International Covenant on Civil and Political Rights subsumed therein) and reinstated the sentences of two persons accused of desecrating the Hong Kong and Chinese flags during a peaceful demonstration in 1998. The two had received the equivalent of 12 months' probation. In another flag desecration case pending at year's end, the Government charged a prominent local activist with three counts of desecrating the Hong Kong flag by publicly and willfully defiling it; a trial is scheduled for January 2001, and a verdict is expected shortly thereafter. During the year, the authorities reportedly took no action in response to an Internet website that invited site visitors to press a key to activate a virtual on-line desecration of the Chinese national flag.

Falun Gong publications again were displayed prominently at the annual Hong Kong International Book Fair. However, after some Hong Kong publishing houses owned by mainland Chinese interests declined to continue publishing Falun Gong materials after the movement was banned on the mainland in July 1999 (see Section 2.c.), the group shifted its publishing to companies based abroad. Some bookstores continued to offer Falun Gong materials for sale, but bookstores operated by Chinese enterprises that removed Falun Gong books from their shelves in the wake of the July 1999 ban on the movement, continued to refuse to carry Falun Gong publications.

The founder of the Information Center for Human Rights and Democracy Movements in China (which issues press releases on human rights-related strikes, demonstrations, and arrests in China), who complained in November 1999 that he was receiving almost 1,000 harassing phone calls and faxes each day from security agents in China, reported that the harassment continued through April. After that, his fax machine continued to receive a daily deluge of nuisance faxes, but the attacks on his phone and pager stopped. The nuisance faxes continued for several more months before they, too, ceased.

The code requiring government departments to release information to the public unless there is a valid reason to withhold it remained effective. A department may withhold "sensitive" information in such areas as defense, security, external affairs, or law enforcement. Guidelines for access to information are provided to the public on an Internet web page.

The Basic Law provides for academic freedom, and the Government generally respects that freedom in practice. There is independent research, a wide range of opinions, and lively debate on campuses. However, in July a Hong Kong University-based pollster and sometime political commentator publicly alleged that Chief Executive Tung Chee-Hwa had, beginning 18 months earlier, pressured him to stop conducting polls on the Chief Executive's declining popularity. Specifically, the pollster alleged that an assistant to the Chief Executive in January 1999 complained about the polls to a University Vice Chancellor, who in turn had sent a deputy to speak to the pollster. Although the pollster never stopped his polls, including those on the Chief Executive's popularity, he claimed that he had altered or not asked some questions in his surveys as a result of the pressure. The Chief Executive, his assistant, and university officials denied the allegations. The media, opposition parties, human rights and democracy advocates, and student groups were quick to respond to the allegations. The controversy continued for over 2 months, when an independent commission was established by the University to investigate the matter. The commission concluded that the allegations of pressure on the pollster were credible and that the Chief Executive's assistant and the university Vice Chancellor had not been "truthful" in their testimonies. No evidence that the Chief Executive himself was the origin of the pressure came to light. The two university officials at the center of the controversy resigned. However, the Chief Executive's aide remained in his position despite calls by opposition parties and student groups for his removal.

b. Freedom of Peaceful Assembly and Association.—The Basic Law provides for freedom of assembly and this right is practiced without significant hindrance. Article 23 of the Basic Law provides that Hong Kong shall enact laws to prohibit subversion, secession, treason, and sedition against the Chinese Government. The proc-

ess of developing this legislation continues with no indication of when such laws may be enacted. Amendments to the Crime Ordinance, passed by the prehandover Legislative Council in 1997, narrowed the definition of treason and sedition to include a "proven intention of causing violence or creating public disorder or a public disturbance." However, the amendments stipulate that the Government must name the date when the change is to take effect, and the Government has chosen not to enact the amendments until comprehensive legislation dealing with all "Article 23 crimes" is developed. In the interim, preexisting provisions in the Crime Ordinance dealing with treason and sedition continue to apply.

A revised Public Order Ordinance, which was passed by the Provisional Legislature and took effect in 1997, reintroduced the concept of the notice of no objection for public processions and empowered police to object to demonstrations on national security grounds as well as to protect the rights and freedoms of others. Under the law, demonstration organizers must notify the police of their intention to demonstrate 1 week in advance (shorter notice is accepted when the Commissioner of Police is satisfied that earlier notice could not have been given) for a march involving more than 30 persons and for an assembly of more than 50 persons. The police must give a clear reply within 48 hours if it objects, but otherwise no reply indicates no objection. In practice, demonstrators can assume "no objection" if they are not notified otherwise by 48 hours in advance of the planned demonstration. The national security provision has never been invoked. Appeals of a denial to demonstrate may be made to a statutory appeals board comprising members from different sectors of society. No public official is on the board. Both the board's proceedings and the police's exercise of power are subject to judicial review.

Since the handover, there have been over 7,000 demonstrations—an average of over 5 per day, which is higher than prehandover rates. Approximately half of these demonstrations required notification. The police have objected to five demonstrations, three of which went ahead after the demonstration organizers altered their plans. Of the remaining two cases, one involved an environmental group's plan to block city-center traffic with garbage trucks to urge the Government to open more recycling centers. That event eventually took place at a different venue. The other involved right of abode protesters who wished to continue protests in front of Government offices for 10 days immediately following clashes there between police and protesters reacting to the Court of Final Appeal's December 1999 verdict upholding the NPC Standing Committee's interpretation of the Basic Law. The Appeals Board supported the police decision, as it did in the two other cases that had come before it.

However, demonstrators, particularly labor activists, have complained that demonstrations often are limited to "designated areas" where they receive little public attention and that police sometimes outnumber demonstrators. A police order issued in September 1998, while underlining that it is police "policy to facilitate, as far as possible, all peaceful public order events," also stipulates that certain "internationally protected persons" are, in addition to security, entitled to "protection of their dignity." Human rights activists remain concerned that the policy could lead to the use of police tactics that the IPCC had previously ruled were inappropriate.

In addition to assemblies and marches on Hong Kong-related issues, groups continue to be free to demonstrate on issues of sensitivity in mainland China. On May 28, approximately 1,000 persons marched through central Hong Kong to commemorate the 11th anniversary of the June 4, 1989, massacre in Tiananmen Square. On June 4, approximately 40,000 demonstrators attended the annual candlelight vigil to commemorate the anniversary. Falun Gong practitioners regularly conduct public protests against the crackdown on fellow practitioners on the mainland, including directly in front of Hong Kong offices of the Central Government. However, the Falun Gong reports that some commercial establishments have refused to rent halls to the groups' practitioners. In a June protest against the Government's right of abode policies, the police were accused of using excessive force when they used pepper spray and struck demonstrators when removing them from the entrance to the main Government office building. As recommended by the police's internal disciplinary body, the Complaints against Police Office, two police officers received verbal warnings for their actions. A report on the alleged misuse of force was referred to the IPCC for further scrutiny.

Student groups and human rights activists have criticized the Public Order Ordinance and have called for amendments to the law. Some also have demanded that it be repealed on the grounds that its provisions violated the right of assembly and the International Covenant on Civil and Political Rights (ICCPR). Proposed amendments to the Public Order Ordinance include reducing the advance notification period, doing away with the notice of no objection, eliminating "excessive" criminal penalties of up to 5 years in prison, and requiring the police to obtain a court order

in order to prohibit a demonstration. In what amounts to acts of civil disobedience, one group refuses to comply with the notification provisions, and it has made clear its intention to continue to do so until the law is revoked. Student and other protesters were arrested for investigation in connection with April and June demonstrations—over proposed tuition hikes and right of abode, respectively—in violation of the ordinance. All of the protestors were released immediately, and the Government did not prosecute. In December in a vote heatedly opposed by prodemocracy legislators, the Legislative Council supported the ordinance in its current form by a vote of 36 to 21. The U.N. Human Rights Committee in November 1999 noted its concern that the ordinance could be applied to restrict the right of assembly unduly, and it called on the Government to review the law and bring its terms into compliance with the ICCPR. The Court of Final Appeal has not yet had the opportunity to rule on the conformity of the ordinance with the ICCPR.

The Basic Law provides for freedom of association, which is practiced without significant hindrance. Since the handover, no applications for registration have been denied. From January to November, the Societies Office of the police registered 1,275 organizations. However, the "Never Forget June 4 Organization," whose constitution calls for the end of one party rule in China, claims that the police have delayed the group's registration. The police state that the organization cannot be registered until it has been formally established. Human rights groups also have expressed concern that the amended Societies Ordinance, which like the amended Public Order ordinance was passed by the Provisional Legislature, could be used to restrict political activity. The Societies Ordinance requires that new societies must apply for registration within 1 month of establishment. The Government may refuse registration if it believes that the refusal is necessary in the interests of national security, public safety, public order, or the protection of the rights and freedom of others. The Government also may refuse to register a political body that receives support from a foreign political organization or a Taiwan-based political organization. The U.N. Human Rights Committee in November 1999 noted its concern that the ordinance could be applied to restrict unduly the right of association and called on the Government to review the law so as to ensure full protection of the right to freedom of association under the ICCPR.

c. Freedom of Religion.—The Basic Law provides for freedom of religion, the Bill of Rights Ordinance prohibits religious discrimination, and the Government respects these provisions in practice. The Government at all levels protects religious freedom in full, and does not tolerate its abuse, either by government or private actors.

The Government does not recognize a state religion but does grant public holidays to mark numerous special days on the traditional Chinese and Christian calendars, as well as Buddha's birthday.

Religious groups are not required to register with the Government and are exempted specifically from the Societies Ordinance, which requires the registration of nongovernmental organizations. Catholics recognize the Pope as the head of the Catholic Church, unlike on the mainland. The spiritual movement widely known as Falun Gong, which does not consider itself a religion, is registered, practices freely, and holds regular public demonstrations against PRC policies. Despite complaints by PRC representatives and a stern warning from Chief Executive C.H. Tung not to violate Hong Kong law or act "in any manner against the interests of China, Hong Kong, or 'one country, two systems,'" Falun Gong practitioners remained active, and organized public demonstrations outside PRC offices. Other traditional martial arts/meditation groups, known collectively as qigong groups, including Zhong Gong (which was banned in the PRC in late 1999), Xiang Gong, and Yan Xin Qigong, also are registered and practice freely in Hong Kong. Another group allegedly listed as an "evil cult" by the PRC, the Taiwan-based Guan Yin Method, is registered legally and practices freely.

Although under the Basic Law the PRC Government has no say over religious practices in Hong Kong, its representatives in the SAR and the two PRC-owned newspapers have criticized some religious and other spiritual groups and individuals there. Hong Kong religious leaders also have noted that the Basic Law provision that calls for ties between local religious organizations and their mainland counterparts to be based on "nonsubordination, noninterference and mutual respect" could be used to limit such ties. In April mainland authorities reportedly charged a Hong Kong religious leader with violating this noninterference clause by criticizing mainland religious policies. In September Hong Kong-based Chinese officials urged Hong Kong's Catholic Church to keep "low key" any celebrations of the October 1 canonization by the Pope of 120 foreign missionaries and Chinese Catholics who had been martyred in China. The Hong Kong Catholic Church stated however, that it did not alter its fairly extensive plans to mark the occasion. The traditional ties of the Hong Kong Catholic Church to the Vatican have not precluded its contacts with the offi-

cial Catholic Church in the PRC. However, it reportedly has had many contacts and exchanges with its mainland counterparts in the official church put on hold due to the current restrictive climate in the PRC for religious groups.

In June 1999, the PRC Government, which has responsibility for the SAR's foreign affairs, blocked a proposed papal visit. The PRC Government reportedly considered the visit to be one of a head of state rather than one of a religious leader. When this news became public in August 1999, Hong Kong's Chief Executive reiterated the importance of religious freedom to Hong Kong and noted the "unfortunate" fact that the Pope could not visit Hong Kong because of foreign policy concerns.

Although Falun Gong is free to practice, organize, and conduct public demonstrations, its practitioners expressed concern about pressure coming from mainland authorities and their supporters. Numerous articles critical of the group appeared in PRC-owned Hong Kong newspapers. In April a PRC State Council spokesman reportedly called a Hong Kong Falun Gong spokesman "a tool used by Western powers to subvert the Central Government." A Falun Gong spokesman in Hong Kong responded that practitioners were undeterred by the PRC's unfounded criticisms, but the number of Falun Gong practitioners in Hong Kong is said to have dropped from approximately 1,000 to approximately 600 since the mainland crackdown began in mid-1999. In a December speech in which he made clear his comments applied equally to Hong Kong and Macau, Jiang Zemin said the Macau Government should never allow anyone to stage any activities in Macau against the Central Government or to split the country. Some Hong Kong publishing houses owned by mainland Chinese interests declined to continue publishing Falun Gong materials after the movement was banned on the mainland in July 1999, and some bookstores operated by mainland enterprises removed Falun Gong books from their shelves (see Section 2.a.). In addition Falun Gong organizers have reported reluctance on the part of some hotels, cultural centers, and other venues to lend or lease space for Falun Gong exhibitions or other activities.

In October 1999, it was discovered that PRC Government censorship of Falun Gong-related information temporarily affected Hong Kong users of a major local paging service because the service utilized mainland-located transmission centers. Mainland-based employees of the company refused to transmit messages regarding Falun Gong, even for Hong Kong customers, because of an alleged PRC Government instruction that any messages related to Falun Gong should not be broadcast. Under scrutiny from the Government and pressure from the wider community, the company found a technical solution to the problem and ceased censorship for customers whose service was limited to Hong Kong. However, the company insisted, and the Hong Kong Telecommunications Authority agreed, that the company must follow mainland laws (including censorship rules) for customers whose paging service extended to the mainland. Hong Kong customers with China-wide (rather than Hong Kong-only) service remained unable to receive messages relating to Falun Gong. The Hong Kong Telecommunications Authority issued amended guidelines in February requiring paging services to configure their systems to enable Hong Kong-origin paging messages, including those that would be barred for transmission in places outside Hong Kong, including the PRC, to be transmitted in Hong Kong (see Section 1.f.).

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation.—The Basic Law provides residents freedom of movement within Hong Kong, freedom of emigration, and freedom to enter and leave the territory, and the Government respects these rights in practice. Travel documents are obtained freely and easily, however, there are some limits on travel to the mainland (imposed by the mainland Government).

As was the case before the handover, the Taiwan passport is not recognized as valid for visa endorsement purposes.

In the past, several prominent overseas dissidents have been denied visas to enter Hong Kong.

Chinese authorities do not permit a number of Hong Kong human rights activists and legislators to visit the mainland. Many Democratic Party legislators, for example, are not allowed to travel to the mainland. Political and human rights activists assert that the restriction on travel to the mainland on those who disagree with the Central Government's policies has a dampening effect on political debate, particularly among those with business interests on the mainland. However, one prominent labor and democracy activist, previously denied permission for many years, was allowed to enter the mainland to visit his ailing parent twice during the year.

In early August, several persons who would likely be required to return to the mainland as a result of the 1999 right of abode decision set fire to a floor of an Immigration Department office, some reportedly also set themselves on fire. Fifty persons were injured in the incident; 2 died.

The 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol does not extend to Hong Kong, and the SAR eliminated its first asylum policy in 1998. On a case-by-case basis, the Director of Immigration has discretion to grant refugee status or asylum in cases of exceptional humanitarian or compassionate need, but the Immigration Ordinance does not provide foreigners any right to have their asylum claim recognized. The general practice is to refer refugee and asylum claimants to a lawyer or to the office of the U.N. High Commissioner for Refugees (UNHCR). Those granted refugee status, as well as those awaiting UNHCR assessment of their status, receive a subsistence allowance from the UNHCR, but are allowed neither to seek employment nor enroll their children in local schools. Of the approximately 100 persons receiving UNHCR support in late November, around 70 began to receive such support during the year. The UNHCR works with potential host country representatives in Hong Kong to resettle those designated as refugees. Government policy is to repatriate all illegal immigrants, including the approximately 23 per day that arrive from the mainland, as promptly as possible. However, human rights groups have complained of a few cases in which seekers of asylum or refugee status have been arrested for illegal immigration and incarcerated for periods of up to several months, but there were no reports of the forced return of persons to a country where they feared persecution.

In February the Government terminated its Millport policy, under which Vietnamese asylum seekers intercepted in boats in Hong Kong waters were assisted in their voluntary departure from Hong Kong, because of evidence the policy was being abused by illegal immigrants who claimed passage through Hong Kong to other destinations. In June, in a move welcomed by human rights groups and the UNHCR, Hong Kong approved for permanent resettlement approximately 1,400 Vietnamese refugees and migrants. With this action the SAR Government closed the world's last remaining Vietnamese refugee camp (Pillar Point), and brought to an end the resettlement process that had handled more than 220,000 Vietnamese who had landed in Hong Kong since 1975. Approximately 6 percent of the 1,400 persons approved for resettlement declined the Government's offer, and instead chose to retain their refugee status in order to continue to seek resettlement elsewhere. Since the closure of the Pillar Point camp the number of undocumented Vietnamese immigrants arriving in Hong Kong dropped to approximately 40 per month.

The case of 289 additional Vietnamese illegal immigrants who entered Hong Kong from China was under appeal at year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Residents' right to change their government is limited by the Basic Law, which provides for the selection of the Chief Executive by an 800-person selection committee (which itself is appointed or indirectly elected), the direct election of less than half of Legislative Council members, and the inclusion of appointed members to the elected district councils. In addition while the approval of the Chief Executive, two-thirds of the legislature, and two-thirds of Hong Kong's National People's Congress delegates is required to place an amendment to the Basic Law originating in Hong Kong on the agenda of China's National People's Congress, it is the National People's Congress that has the power actually to amend the Basic Law, and procedures for amendment or interpretations that originate in the mainland are unclear.

The government structure is two-tiered, and it consists of the Legislative Council and 18 district councils. (A third, middle tier, collectively known as the municipal councils, was abolished at the end of 1999.) C.H. Tung is Chief Executive.

The Chief Executive was chosen prior to the handover by a 400-member selection committee, which in turn was chosen by a 150-member preparatory committee appointed by the Chinese Government. The Basic Law provides for elections for Chief Executive in 2002 and 2007, by a committee of 800 local residents. This committee is the same as the committee formed to select 6 legislators in September. It is composed of the 60 members of the Legislative Council, the 36 Hong Kong delegates to the National People's Congress, 40 representatives from religious groups, and 664 persons elected by the same 179,000 voters (some representing organizations; others voting as individuals) who chose the functional constituency representatives of the Legislative Council. The Government stated in October that it would not introduce legislation on election procedures of the Chief Executive until mid-2001. The Basic Law permits amendment of the Chief Executive selection process after 2007 by a two-thirds majority of the Legislative Council, with consent of the Chief Executive and the Standing Committee of the National People's Congress. The Basic Law states that "the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures."

A provisional legislature, appointed by the same 400-member committee that appointed the Chief Executive, served from July 1, 1997, until June 30, 1998. Although the Provisional Legislature included 33 of 34 legislators from the 1995 Legislative Council who sought inclusion, the Democratic Party and several independents declined to seek seats in what they deemed an illegitimate body, which they claimed lacked a legal foundation and transparency, and excluded groups, parties, and individuals critical of China. The Provisional Legislature repealed several laws that had been enacted by the elected Legislative Council to enhance civil and political rights, including: Amendments to the Bill of Rights Ordinance; the Employee Right to Representation, Consultation, and Collective Bargaining Ordinance; the 1997 Employment (Amendment) Ordinance, and the 1997 Trade Unions (Amendment) Ordinance (see Section 6.a.). A lawsuit challenging the constitutionality of the Provisional Legislative Council was unsuccessful, and the repeals remain controversial, albeit without further legal challenge.

Elections for Hong Kong's first and second posthandover Legislative Councils were held in May 1998 and in September, respectively. The Legislative Council elected in September is to serve a 4-year term. In the first election, 20 members were elected directly from geographic districts through universal suffrage, 30 from functional (occupational) constituencies, and 10 by votes of a committee of local elected officials. In the second, 24 members were elected directly from geographic districts through universal suffrage, 30 from functional constituencies, and 6 by votes of the 800-person Selection Committee which is composed of representatives of professions, district councils and religious groups, as well as local representatives to Chinese national political bodies, and Legislative Councilors. Prodemocracy candidates won 17 of the

24 seats elected on a geographic basis (including 1 in a December by-election) and 22 seats overall.

In both the 1998 and September elections, the functional constituencies were drawn more narrowly than the nine broad functional constituencies of the 1995 Legislative Council, and the total number of potential voters in functional constituencies was reduced from 1.15 million in 1995 to 189,000 in 1998. Human rights groups contend that the election of functional constituency representatives by so few persons is fundamentally undemocratic. There was general acceptance of the geographic electoral districts (which include 3 million registered voters) proposed in 1997 by the Electoral Affairs Commission. A bill calling for an accelerated time line for direct election of all Legislative Council seats was defeated in the Legislative Council in 1998.

In December the Court of Final Appeal ended a century-old practice of excluding nonindigenous villagers from participating in rural elections. The Court unanimously found that the practice violated both the Bill of Rights and the Sex Discrimination Ordinances.

The ability of the legislature to influence policy is limited substantially by Basic Law provisions that require separate majorities among members elected from geographical and functional constituencies in order to pass a bill introduced by an individual member and that prohibit the Legislative Council from putting forward bills that affect public expenditure, political structure, or government operations. The Chief Executive's written consent is required before bills affecting government policy may be introduced. Additionally, the Government has adopted a very broad definition of "government policy" in order to block private member bills, and the President of the Legislative Council has upheld the Government's position. A motion proposed by a prodemocracy legislator to repeal restrictions on private members' bills was rejected in January; however, the Legislative Council's degree of popular representation and outspokenness gives the Government cause to consider its views. In June when the Legislative Council passed a no-confidence motion against two senior housing officials, the more senior of the two resigned.

The November 1999 elections for Hong Kong's District Councils—the sole remaining local government body after the abolition of the Municipal Councils—were free and fair; however, democratic legislators and human rights activists complained that the appointment of nearly one-quarter of District Councilors by the Chief Executive is an undemocratic procedure. According to the District Councils Ordinance enacted in March 1999, the District Councils are responsible for advising the government on matters affecting: (1) the well-being of district residents; (2) the provision and use of public facilities; and (3) the use of public funds allocated for local public works and community activities.

An October 1999 motion in the Legislative Council calling for a referendum on the Government's proposal to abolish the Urban and Regional Councils, Hong Kong's mid-tier local government organs known collectively as the Municipal Councils, was defeated. However, in December 1999, the Legislative Council passed a

controversial bill abolishing the Municipal Councils when their terms expired at the end of the year. The Councils had been the subject of widespread public criticism for their poor handling of the Avian Flu, the Red Tide, and other public health issues for which they were responsible. Legislators from the democratic parties and human rights activists protested the abolition of the councils, arguing that they were important to the development of party and democratic political leaders. The UN Human Rights Committee in November 1999 also expressed concern that the abolition of the municipal councils would "diminish the opportunity of Hong Kong residents to take part in the conduct of public affairs."

Hong Kong sends 36 delegates to China's National People's Congress (NPC). These 36 individuals are an important group since placing proposed amendments to the Basic Law on the agenda of the NPC requires the approval of two-thirds of Hong Kong's NPC delegates. Hong Kong's NPC delegates also are members of the Election Committee that chose 10 of the Legislature's 60 members in 1998 and 6 of the legislatures members during the year. Hong Kong's NPC delegates were selected to a 5-year term in December 1997 by an NPC-appointed committee of 424 residents. Politicians and human rights activists criticized the selection process as undemocratic and lacking transparency and noted that Central Government Liaison Office (formerly the New China News Agency) Director Jiang Enzhu, who is not a Hong Kong permanent resident, is one of Hong Kong's 36 delegates.

Women are underrepresented in politics and in elective office, but larger numbers are seeking public office than ever before. Women hold 10 of the 60 Legislative Council seats, and women make up between 5 and 33 percent of membership in political parties. The President of the Legislative Council is a woman, as is the head of the civil service (the number two person in the Hong Kong Government). The Equal Opportunities Commission noted that women were a minority in Government advisory bodies. A report in May compiled by the Hong Kong Federation of Women stated that only between 16 to 22 percent of judges, Executive Council members, advisory board members or top civil servants are women. However, women are well represented at the highest levels of government. The Chief Secretary, Secretary for Security, Secretary for Justice, Treasury Secretary and Education Secretary are all women. Minorities are also represented in senior civil service positions.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Dozens of domestic and international nongovernmental organizations (NGO's) operate freely (see Section 2.b.). These organizations have unrestricted and thriving contacts with the local community and with groups overseas. Government officials are generally receptive to, and respectful of, their views. Prominent human rights activists who focus on mainland China also operate freely and enjoy permanent resident status in Hong Kong.

The 1988 Ombudsman Ordinance established the Office of the Ombudsman, which has wide powers to investigate and report on grievances from members of the public as a result of administrative actions of the executive branch and other designated public bodies. However, the credibility of the Ombudsman's independence is undermined by the fact that most of its staff is seconded from the Government, putting them in the position of investigating their former and future bosses. A proposal for the office to become independent of the Government in 2002 reportedly has received official approval. Another limitation is that the Ombudsman does not have oversight authority over the police, the Independent Commission against Corruption, the Equal Opportunities Commission, or the Office of the Privacy Commissioner for Personal Data. The Ombudsman may investigate complaints of non-compliance with the code on access to information by government departments, including the police and the Independent Commission against Corruption. With regard to election-related complaints, the Ombudsman only is empowered to investigate complaints made against the Registration and Electoral Office, not those made against the Electoral Affairs Commission. Thus, the Ombudsman's human rights role regarding liberty of persons, freedom from arbitrary and unlawful arrest and detention, equality, and related matters is limited considerably.

The Ombudsman may publish investigation reports in which the identity of the complainant has been disguised. In addition to responding to public complaints, the Ombudsman may initiate investigations on his own. The Ombudsman may report to the Chief Executive if he believes that his recommendations to the organizations under his jurisdiction have not been acted upon or if there are serious violations; the Chief Executive is bound by law to present such reports to the legislature.

Human rights groups have complained that Hong Kong does not have a human rights commission. The U.N. Human Rights Committee in November 1999 expressed concern "that there is no independent body established by law to investigate

and monitor human rights violations in Hong Kong and the implementation of Covenant rights." In March visiting U.N. Human Rights Commissioner Mary Robinson urged Hong Kong to set up such a body.

Under the Basic Law, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights apply, with certain restrictions, to Hong Kong. The Chinese Government transmits Hong Kong's reports under these covenants, without editing, to the U.N. The reports are prepared without interference from the Chinese Government, but local NGO's have complained that they were not consulted fully enough on the contents of the reports. The Government and several domestic NGO's have testified before the U.N. Human Rights Committee in Geneva, Switzerland. The hearings, including concerns of the Committee, have received widespread and balanced press coverage. In May Hong Kong sent representatives to attend, as part of China's delegation, hearings held by the U.N. Committee against Torture in Geneva on China's periodic report. In October Hong Kong's report under the International Convention on the Elimination of All Forms of Racial Discrimination was submitted to the U.N. in Geneva by the Chinese Government as part of China's periodic report. In November the U.N. Committee on Economic, Social and Cultural Rights considered Hong Kong's report under the International Covenant on Economic, Social and Cultural Rights.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Basic Law provides that all Hong Kong residents shall be equal before the law. The Bill of Rights Ordinance, which provides for the incorporation into Hong Kong law of the International Covenant on Civil and Political Rights as applied to Hong Kong, entitles Hong Kong residents to the civil and political rights recognized therein "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." However, the ordinance binds only the Government, public authorities and persons acting on their behalf, that is, not private persons or entities. Three pieces of anti-discrimination legislation—the Sex Discrimination Ordinance (1995), the Disability Discrimination Ordinance (1995), and the Family Status Discrimination Ordinance (1997)—have made it illegal for any person or entity (public or private) to discriminate against anyone on the grounds of sex, marital status, pregnancy, disability, or family status, and prohibits behavior such as sexual harassment, harassment or vilification on the grounds of disability, and discriminatory advertising. An Equal Opportunities Commission was established in 1996 to work toward the elimination of discrimination and to promote equality of opportunity with specific reference to gender, disability, and family status.

Human rights groups have called for laws specifically targeting, among other problems, public or private discrimination based on race and age. The U.N. Human Rights Committee in November 1999 expressed concern "that no legislative remedies are available to individuals in respect of discrimination on the grounds of race" and called for legislation to ensure full compliance with the Covenant. A November survey identified strong societal prejudice against minority groups including mainland Chinese migrants. The Equal Opportunities Commission reported that the elderly are discriminated against in the allocation of public housing, but noted that it was powerless to help, because there is no legislation prohibiting age discrimination in Hong Kong.

Although many rights activists generally consider the government's Equal Opportunity Commission (EOC) an ally in the fight against discrimination, some have criticized the organization for passivity and for emphasizing conciliation instead of acting as a watchdog or pursuing court cases. In the first 8 months of the year, the Equal Opportunities Commission received 198 complaints of sex discrimination, 83 of which involved pregnancy discrimination. As of the end of September, 5 cases were brought to court under the Sex Discrimination Ordinance and were pending resolution. In the first 8 months of the year, 191 complaints were filed under the Disability Discrimination Ordinance; 3 of these cases went to court. As of September, two cases were still pending while one case resulted in a ruling in favor of the plaintiffs. In the first 8 months of the year, 12 complaints were received under the Family Status Discrimination Ordinance, which protects persons whose marital status changes, who have children, or who are responsible for caring for another family member, such as a child or elderly person, 11 of the 12 complaints were related to employment, but no cases had been filed by year's end.

The Government's "Code of Practice for Employers" designed to prevent discrimination states that race, among other factors, should not be considered when hiring employees. However, it accepts that special circumstances exist, such as when the employee works or lives in the employer's home. The Government has undertaken

a public education and awareness campaign to combat race discrimination with only limited effect.

Women.—Violence against women remains a problem, particularly among new immigrants from the mainland. The only law that specifically protects battered women is the 1987 Domestic Violence Ordinance, which allows a woman to seek a 3-month injunction against her husband (extendable to 6 months). Domestic violence also may be prosecuted as common assault. The Government enforces the laws and prosecutes violators, but sentences generally are lenient. In 1999 472 cases of domestic violence were reported to the police, while in the first 6 months of the year, 320 cases were reported. Cases of battered spouses reported to the Social Welfare Department from April 1999 to March increased 44 percent over the previous 12 months to 1,689 cases. Women tend not to seek help when subject to violence; cultural factors and inadequate information about available assistance and resources result in many cases of spousal abuse going unreported. In May the Government established an interdepartmental Working Group on Sexual Violence to ensure coordination of efforts among various departments and authorities in handling the problem of sexual violence. Also in May, the Government announced plans to establish a Women's Commission later in the year to address women's concerns in a comprehensive and systematic manner. The Government also funds programs such as family life education counseling, a hot line service, temporary housing, legal aid, and child protective services; it also has initiated public education and media programs.

The Hong Kong Federation of Women's Centres asked the Government to prepare a comprehensive services plan especially for women from the mainland, with counseling and job-training to help them integrate. Hong Kong's Society for Community Organisation estimated that tens of thousands of women in Hong Kong, largely single women and widows from the mainland, are regularly subjected to the threat of violence, abuse, robbery, and sexual harassment by cohabitators. In November some 200 women, including sex workers, domestic helpers, and members of 12 women's groups, held an antiviolence-against-women rally, demanding greater Government protection for women, more assistance to victims, and a special court to handle such cases in a bid to preserve a woman's dignity.

The general incidence of rape is low. There were 90 cases of rape reported to the police in 1998, 91 in 1999, and 49 in the first half of the year. However, underreporting is considered a serious problem. Amendments to the evidence bill and to the Crime Ordinance that would abolish the requirement of corroboration of evidence of sexual offense and would clarify that marital rape is a crime are under consideration.

Prostitution is not illegal. However, there are laws against activities such as causing or procuring another to be a prostitute, living on the prostitution of others, and keeping a vice establishment. Many women working in the sex industry have been brought to Hong Kong under conditions resembling trafficking (see Section 6.f.).

Sexual harassment is a problem. Many women tend not to seek help when subjected to sexual harassment, and it is underreported. Police statistics report 1,047 sexual harassment cases in 1999. Government and NGO surveys and statistics from a counseling hot line, however, suggest sexual harassment cases in fact total anywhere from 2^o to 10 times more than the number reported.

Women face discrimination in employment, salary, welfare, inheritance, and promotion (see Section 6.e.). The EOC's task force on Equal Pay for Work of Equal Value is studying ways to implement this principle, including possible draft legislation. The press carries occasional stories of women alleging discrimination in the workplace in connection with pregnancies. The number of complaints to the EOC of dismissal after employees' return from maternity leave increased in 1999. Official unemployment figures for the period from May through July were 5.7 percent for men and 4.2 percent for women. However, human rights organizations and unions assert that the statistics inaccurately record many unemployed women as housewives and that, in fact, the unemployment rate for women is actually higher than the unemployment rate for men. Women are entering professional fields, including medicine, in greater numbers. Nonetheless, in the medical profession there are few women in prestigious specialties such as surgery. Female judicial officers and judges make up only 18.8 percent of the judiciary. Women also are disproportionately represented in the lower echelons of the work force, holding positions such as retail sales assistants and office clerks. The Home Affairs Department this summer organized the Working Group of Web-Enabling Women to help less educated women enter the digital workforce. As a result of 1994 revisions to inheritance statutes, the law treats men and women equally in inheritance matters, although women still face discrimination based on traditional practices. Alimony is another problem, with one survey indicating that 80 percent of divorced women fail to receive money regu-

larly from their former husbands. The November 1999 U.N. Human Rights Committee report expressed concern that differences exist between men's and women's earning levels, that women were underrepresented in public boards and public offices, and that there is customary discrimination against women in the inheritance of small homes in rural areas of the New Territories.

Based on its 1999 study showing that the Education Department's allocation scheme for secondary school places clearly discriminated against girls, the EOC in July requested a judicial review of the scheme. Education officials acknowledge that the current system of secondary school place allocation discriminates against girls because boys and girls are ranked (and accepted) separately. The High Court's on the EOC's request for judicial review is pending. The November 1999 U.N. Human Rights Committee report expressed concern that the educational system discriminates against girls in selection for secondary schools. In 1999 the number of female secondary student candidates accounted for 55.7 percent of the total who took university advanced-level examinations, and the number of female candidates who matriculated at universities accounted for between 52 and

56 percent of all matriculating candidates. This is similar to earlier years.

In the spring, the Government announced the establishment of a Women's Commission to promote and protect the interests and well being of women. The Commission, which had yet to begin operating as of year's end, reportedly plans to focus on provision of health services, childcare support, protecting women against violence, promotion of a women-friendly working environment and legal issues relating to women and the family.

Children.—The Government is committed firmly to children's rights and welfare through well-funded systems of public education, medical care, and protective services. The Education Department is committed to providing schooling for children between 6 and 15 years of age and provides placement services for non-Chinese speaking children. Education is free and compulsory through grade nine. The Government supports programs for custody, protection, day care, foster care, shelters, small group homes, and assistance to families. The age of criminal responsibility for children is 7, although it must be proved that a child under the age of 14 understood the consequences of his or her actions. In May the Law Reform Commission recommended that the age of criminal responsibility be raised to 10, and stated that children between 10 and 14 should be presumed to be incapable of committing a crime unless that presumption can be rebutted by the prosecution. The Commission also recommended that the Administration carry out a general review of the juvenile justice system. In 1999 there were 108 youths under the age of 16 who were incarcerated, 48 who were in prison, 29 who were in training centers, 27 who were in detention centers, and 4 who were in drug addiction treatment centers. In April one youth died during an attempted escape from a detention center.

Child abuse and exploitation are not widespread, but statistics indicate they are increasing. There is no specific laws dealing with child pornography, but child pornography is covered under other antipornography laws. A proposed bill on Prevention of Child Pornography and proposed amendments to the Crimes Bill before the Legislative Council since June 1999 would prohibit the printing, distribution, advertising, or possession of child pornography. The bills also would prohibit arranging or advertising of sexual offenses involving children under the age of 16. The Crimes (Amendment) Bill would also provide extraterritorial effect when either the perpetrator or the victim of a sexual offense involving a child or a person printing, distributing, advertising or possessing child pornography "has a nexus with Hong Kong."

In the first 6 months of the year, 754 cases of child abuse were reported to the police; 327 involved physical abuse of victims below the age of 14, and 427 involved sexual abuse of victims below the age of 17. Child abuse cases newly registered with the Social Welfare Department totaled 328 through August and 575 for all of 1999. In 1995 the police set up a child abuse investigation unit to improve the treatment of victims, and in 1996 legislation was passed making it easier for child victims to testify in court using an interviewing suite for recording statements. Legal penalties for mistreatment or neglect of minors also were increased substantially. A witness support program also was launched in 1996 to help child witnesses in need. A child witness information kit in Chinese, with books explaining legal and court proceedings, was published in 1996 to help reduce children's anxiety about testifying. In 1998 a Child Care Center Bill was passed to prevent unsuitable persons from providing child care services and to facilitate the formation of mutual help child care groups.

People with Disabilities.—Discrimination against the physically and mentally disabled persists in employment, education, and the provision of some public services. The 1995 Disability Nondiscrimination Law called for improved building access and sanctions against those who discriminate. The Buildings Ordinance amended in

1997 updated design requirements. However, despite inspections and occasional closure of noncompliant businesses, access to public buildings and transportation remains a serious problem for the disabled. Advocates for the disabled complained that limited access for the disabled at polling stations made voting in both the 1998 and in the September elections difficult because of accessibility problems. The Government has an integrated work extension program in sheltered workshops and expanded vocational assessment and training. No comprehensive statistics are available on the number of disabled persons in the work force, but a consortium of organizations representing disabled persons reported that about 700,000 residents are disabled, and about half are able to work. A 1997 survey by the EOC found that depending on the kind of disability, unemployment rates ranged from 20 to 50 percent. There are 5,259 disabled persons employed as civil servants of a total civil service work force of 185,868—about 2.8 percent of all civil servants. During the first 8 months of the year, the Labor Department's Selective Placement Division found jobs for 1,359 of 2,463 disabled job seekers. Approximately 9,000 students in a school population of 955,000, or just under 1 percent, are disabled. In the 1999–2000 school year, there were 168 places in regular schools for the mildly disabled under the Integrated Education Program. In 1997 the Government started a special university admission scheme for the disabled.

In the first 9 months of the year, three cases under the Disability Discrimination Ordinance were brought to court with EOC involvement. One case was resolved in September when the court ruled in favor of the three plaintiffs who had been given legal assistance by the EOC. The other two cases remained pending.

In 1999 the Government formed the Guardianship Board under the Mental Health Ordinance to protect the interests of persons with mental disabilities or disorders, including dementia.

National/Racial/Ethnic Minorities.—The Government has resisted recommendations by human rights groups, the U.N. Human Rights, legislators, and others that it enact specific antirace discrimination legislation. In June the Government blocked a proposed antirace discrimination bill put forward by a legislator. The Government proposes to combat discrimination through education, rather than by legislation. A government "Code of Practice for Employers" designed to prevent discrimination states that race should not be considered when hiring employees. Minorities, who make up approximately 5 percent of the population, are well represented in the civil service and many professions. However, there are regular allegations of racial discrimination in such areas as private sector employment, admission to public restaurants, placement in public schools, treatment in public hospitals, and acceptance to institutions of higher education. Foreign domestic workers, most of whom are from the Philippines, are particularly vulnerable to discrimination. In January an Indonesian Migrant Workers Union was established to unite Indonesian domestic helpers throughout Asia and to protect members from abuse and exploitation; approximately 41,000 Indonesian domestic helpers work in Hong Kong. Similar organizations work for the interests of Philippine domestic helpers, of whom there are approximately 170,000. According to organizations representing migrant workers, police intimidation of migrant workers is also a problem.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association and the right of workers to establish and join organizations of their own choosing. Trade unions must be registered under the Trade Unions Ordinance. The basic precondition for registration is a minimum of seven persons who serve in the same occupation. The Government does not discourage or impede the formation of unions. In 1999, 35 unions (comprising 33 employee unions and two mixed organizations of employees and employers) were registered under the Trade Unions Ordinance. During the year, 11 new unions (10 employee unions and one employee/employer mixed union) were registered. As of the end of August, the total number of registered trade unions was 632 (588 employee, 25 employer, and 19 mixed). Over 20 percent of the approximately 3.3 million salaried employees and wage earners belong to a labor organization. Trade unions are independent of political parties and the Government.

The Employment Ordinance includes provisions that protect against antiunion discrimination. Violation of the antiunion discrimination provisions is a criminal offense with a maximum fine of \$12,800 (HK\$100,000). Employees who allege such discrimination have the right to have their cases heard by the Labor Relations Tribunal. The Tribunal may order reinstatement of the employee, subject to mutual consent of the employer and employee. If no such order is made, the Tribunal may award statutory entitlements (severance pay, etc.) and compensation. The maximum amount of compensation is \$20,000 (HK\$156,000). However, labor activists complain that complainants are discouraged by the Labor Relations Tribunal's tendency to

push conciliation rather than issue orders. In 1999 the Labor Relations Division of the Labor Department handled 7 complaints of antiunion discrimination. During the first 8 months of the year, there were 3 such complaints. Owing to insufficient evidence or unwillingness of employees to act as prosecution witnesses, no prosecution action has been taken against the employers concerned.

Work stoppages and strikes are permitted. However, there are some restrictions on this right for civil servants. Through August 4 strikes were reported. There were 3 strikes during 1999, which resulted in 299 lost workdays; in 1998 there were 8 strikes. Although there is no legislative prohibition of strikes, in practice, most workers must sign employment contracts that typically state that walking off the job is a breach of contract which can lead to summary dismissal.

The Basic Law commits the SAR to 40 International Labor Organization (ILO) conventions, and the Government has amended labor legislation and taken administrative measures to comply (see Section 6.b.).

In October 1997, the Provisional Legislature promulgated the Employment and Labor Relations (Miscellaneous Amendments) Bill. This bill permits the cross-industry affiliation of labor union federations and confederations and allows free association with overseas trade unions (although notification of the Labor Department within 1 month of affiliation is required).

b. The Right to Organize and Bargain Collectively.—In June 1997, the Legislative Council passed three laws that greatly expanded the collective bargaining powers of workers, protected them from summary dismissal for union activity, and permitted union activity on company premises and time. The new ordinances would have enabled full implementation of ILO Conventions 87 (which was ratified with reservations in 1963), 98, and 154. However, in October 1997, after consultation with the Labor Advisory Board, the Provisional Legislature repealed the 1997 Employee's Right to Representation, Consultation, and Collective Bargaining Ordinance and the 1997 Employment (Amendment) Ordinance, and amended the Trade Union (Amendment) Ordinance. The repeal removed the new legislation's statutory protection against summary dismissal for union activity; the Government argued that existing law already offered adequate protection against unfair dismissal arising from antiunion discrimination.

The 1997 Employment and Labor Relations (Miscellaneous Amendments) Bill removes the legal stipulation of trade unions' right to engage employers in collective bargaining; bans the use of union funds for political purposes; requires the Chief Executive's approval before unions can contribute funds to any trade union outside of Hong Kong; and restricts the appointment of persons from outside the enterprise or sector to union executive committees. The Hong Kong Confederation of Trade Unions promptly filed a complaint against the Hong Kong Government for violation of ILO Conventions 87, 98, and 154. In November 1999, the ILO Committee on Freedom of Association concluded that the new labor ordinance breached conventions 87 and 98 and recommended that the Government take legislative action to remedy the situation. The Government provided the ILO progress reports in May 1999 and January asserting that it was in compliance with all of the 40 ILO conventions that apply to Hong Kong. In January 1999, the Government blocked a legislator's attempt to introduce two bills on collective bargaining and antiunion discrimination on the grounds that they would affect government spending and operations and therefore fell outside the scope allowed for private member bills under the Basic Law (see Section 3).

With the repeal of the short-lived collective bargaining legislation, the prehandover framework continued. There were no laws that stipulated collective bargaining on a mandatory basis. Wage rates in a few trades like tailoring and carpentry were determined collectively in accordance with established trade practices and customs rather than as a statutory mechanism. Collective bargaining is not practiced widely. Unions generally are not powerful enough to force management to engage in collective bargaining. The Government does not encourage it, since the Government itself does not engage in collective bargaining with civil servants' unions but merely "consults" with them.

The Labor Relations Division of the Department of Labor offers free, nonbinding conciliation services to employers and employees involved in disputes that may involve statutory benefits and protection in employment as well as arrears of wages, wages instead of notice, or severance pay. The Department of Labor takes a positive attitude towards the participation of trade unions in such dispute negotiations. In the first 8 months of the year, the Division handled 194 trade disputes and 19,667 claims, 61 percent of which were handled through conciliation. In 1999 the Division handled 290 disputes and 31,890 claims, 61 percent of which were handled through conciliation. In 1998 the Labor Relations Division handled 226 disputes and 24,231 claims, 60 percent of which were handled through conciliation. Depending on the

size of the claim, the remaining cases were referred to the Labour Tribunal or the Minor Employment Claims Adjudication Board.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The use of forced labor is prohibited in the Hong Kong Bill of Rights Ordinance. Trafficking in persons for the purpose of forced prostitution is a problem; there were credible reports that local, foreign, and mainland Chinese sex workers sometimes labor under onerous conditions for organized criminals in exchange for protection or other assistance (see Sections 5 and 6.f.). The law does not specifically prohibit forced or bonded labor by children; however, there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment of Children Regulations prohibit employment of children under the age of 15 in any industrial establishment. Children 13 and 14 years of age may be employed in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of 9 years' education and protecting their safety, health, and welfare. To enforce compliance with the regulations, the Labor Department conducts regular workplace inspections. In the first 8 months of the year, the Labor Department conducted 114,668 inspections, during which 2 violations of the Employment of Children Regulations were discovered. The Department issued 5 summonses, 3 of which resulted in convictions and fines. In 1999 the Labor Department conducted 160,272 inspections during which 8 violations were discovered and 3 summonses issued, each of which resulted in convictions and fines. In 1998 the Labor Department conducted 156,634 inspections during which 10 violations were discovered and 11 summonses issued, of which 10 resulted in convictions and fines. Work hours for young persons 15 to 17 years of age in the manufacturing sector remain limited to 8 hours per day and 48 hours per week between 6 a.m. and 11 p.m. Overtime is prohibited for all persons under the age of 18 in industrial establishments. Employment in dangerous trades is prohibited for youths except 16- and 17-year-old males. While provisions against forced or bonded labor do not specifically refer to children, there were no reports of such practices (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no statutory minimum wage except for foreign domestic workers. Aside from a small number of trades where a uniform wage structure exists, wage levels customarily are fixed by individual agreement between employer and employee and are determined by supply and demand. Some employers provide workers with various kinds of allowances, free medical treatment, and free subsidized transport. The average wage generally provides a decent standard of living for a worker and family. Two-income households are the norm.

The minimum wage for foreign domestic workers is approximately \$450 (HK\$3,500) per month. The law requires employers to provide foreign domestic workers with housing, worker's compensation insurance, travel allowances, and food or a food allowance in addition to the minimum wage, which together provide a decent standard of living for a foreign domestic worker. However, there have been credible reports of foreign domestic workers, who are subject to deportation if they are dismissed, and thus who are less likely to raise formal complaints, illegally being forced to accept less than the minimum wage and unacceptable living conditions. There also have been a number of cases of foreign domestic workers successfully taking their employers to court for mistreatment. The standard workweek is 48 hours.

The Factory Inspectorate Division was restructured in 1996 as part of a government effort to strengthen its safety and health promotion and enforcement program. The division—part of a new occupational safety and health branch of the Labor Department—consists of four units: An operations division covering field services such as safety and health advice; a support services division responsible for technical support services; a planning and training division; and a legal services division charged with processing and conducting prosecutions.

The Factories and Industrial Undertakings Ordinance and its 27 sets of subsidiary regulations regulate safety and health conditions. In the first 8 months of the year, the Labor Department conducted 101,368 inspections of industrial and nonindustrial workplaces and issued 2,412 summonses (2,249 of which resulted in convictions with a total of \$4.13 million (HK\$32 million) in fines). In 1999 the Labor Department conducted 121,414 inspections and issued 2,110 summonses (1,959 of which resulted in convictions with a total of \$4.65 million (HK\$36 million) in fines). In 1998 the Labor Department conducted 89,846 inspections and issued 3,181 summonses (2,912 of which resulted in convictions with a total of \$7.6 million (HK\$60 million) in fines). Worker safety and health has improved over the years, due in part to the transfer of many manufacturing jobs to factories in mainland China, but serious problems remain, particularly in the construction industry. In the first quarter of the year, there were 12,425 occupational accidents, of which 7,211 were classified

as industrial accidents. Of the industrial accidents, 6 involved fatalities. In 1999 there were 58,841 occupational accidents, of which 35,986 were classified as industrial accidents. Of the industrial accidents, 52 involved fatalities. Employers are required under the Employee's Compensation Ordinance to report any injuries sustained by their employees in work-related accidents. There is no specific legal provision allowing workers to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—Trafficking in persons is a problem, and Hong Kong is both a destination and a transit point for trafficked persons. Specific provisions in the Immigration Ordinance, the Crimes Ordinance, and other relevant laws enable law enforcement authorities to take action against trafficking in persons. The courts can impose heavy fines and prison sentences for such activities as arranging passage of unauthorized entrants into Hong Kong (up to \$465,000 (HK\$5 million) and 14 years in prison), assisting unauthorized entrants to remain in Hong Kong (up to \$64,500 (HK\$500,000) and 10 years in prison), using or possessing a forged, false or unlawfully obtained travel document (up to \$19,350 (HK\$150,000) and 14 years in prison), and aiding and abetting any person to use such a document (up to \$19,350 (HK\$150,000) and 14 years in prison). In late 1999, authorities in the United States and Canada began to find persons smuggled from China in shipping containers on cargo ships arriving from Hong Kong; in the first 3 weeks of the year alone, according to press reports, more than 100 persons had been found in shipping containers in ports on the west coast of Canada and the United States. In one case, 3 trafficked persons were found dead in 1 poorly provisioned and unsanitary shipping container; another 15 survived their ordeal, but 7 of the survivors required hospitalization. Hong Kong officials pledged to and did increase attempts to stop such trafficking out of Hong Kong, and began an investigation into the incidents, resulting in the arrest of one Hong Kong resident. The Hong Kong authorities also investigated many other trafficking incidents during the year. In November 26 intending illegal immigrants discovered the previous month by Hong Kong authorities sealed in a cargo container bound for the United States were convicted of attempting to stow away and of remaining in Hong Kong after having entered unlawfully, with most sentenced to 18 months in jail. Several others were arrested in connection with organizing the alien smuggling operation. In December another 12 intending illegal immigrants were discovered in a shipping container and arrested. Subsequent raids on offices and apartments of persons connected with the operation resulted in 15 additional arrests, including the alleged boss of the alien-smuggling syndicate. These two cases of mainlanders discovered hiding in containers were the first such cases where the illegal immigrants were caught in Hong Kong, but the 12th and 13th this year involving suspected use of Hong Kong as a container transshipment point. Most of these cases came to light through the efforts of Hong Kong authorities who coordinated their efforts with authorities abroad. Shipping companies and terminal operators took steps to detect and stop such smuggling as well. While the Security Bureau has policy responsibility over migrant trafficking, the police, customs and immigration departments are responsible for enforcing laws that combat trafficking. In July an immigration officer who accepted money in exchange for helping mainland Chinese enter Hong Kong illegally was convicted for violating the Prevention of Bribery Ordinance and sentenced to 4-years imprisonment.

Hong Kong is a transit point for persons trafficked from China and other nations to third countries. These persons generally are trafficked by organized crime organizations, and are trafficked for purposes of forced labor, or debt bonded labor, or forced prostitution. Countries to which such persons are trafficked include the United States, Canada, Australia, and various Western European countries. Many trafficked persons agree to pay large sums for their transport, and are forced to work in conditions similar to indentured servitude in order to repay the cost of their passage. Their movements may be restricted and their travel documents may be confiscated. Often, trafficked persons live under poor conditions, and are threatened with deportation or harm to family members if they complain. Thousands of persons are caught in Hong Kong each year with forged travel documents, some at the airport and others elsewhere in the territory. It is presumed widely that thousands of other would-be illegal immigrants pass through the SAR each year. It is unknown how many of these persons are trafficked.

Government figures report the number of applications for the entry of Vietnamese women for taking up residence to join local husbands in recent years are as follows: 1998, 67 applications approved, 3 refused; 1999, 175 approved, 55 refused; this year (through September), 85 approved, 47 refused. Cases where the claimed relationship as husband and wife does not satisfy immigration officers are as a policy rejected. However, it is not known how many women may be trafficked into Hong Kong as mail order brides without going through immigration procedures.

Visitors who are found to be engaged in prostitution are prosecuted for the offence of "breach of condition of stay under the Immigration Ordinance." In 1999 1,193 visitors from mainland China were so prosecuted. Through September 1,468 were prosecuted. The figure for 1998 was 1,247. The Government reports that it rarely encounters cases where visitors were forced to practice prostitution against their will. The number of visitors from the former Soviet Union and Malaysia found by the authorities to be engaged in illegal prostitution is small: 2, 1, and 12 from Russia, Uzbekistan, and Malaysia, respectively, in 1998. In 1999 and this year (through September), the numbers were 5, 2, and 0, and 1, 3, and 4, respectively. The Government has no record of visitor prostitutes from Eastern Europe for the same period. The number of illegal visitors trafficked into the country for the purpose of prostitution is unknown.

TIBET

(This section of the report on China has been prepared pursuant to Section 536 (b) of Public Law 103-236. The United States recognizes the Tibet Autonomous Region (TAR)—hereinafter referred to as "Tibet"—to be part of the People's Republic of China. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage and protection of its people's fundamental human rights continue to be of concern.)

RESPECT FOR THE INTEGRITY OF THE PERSON

The Chinese Government strictly controls access to and information about Tibet. Thus, it is difficult to determine accurately the scope of human rights abuses. However, according to credible reports, Chinese government authorities continued to commit numerous serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views. Tight controls on religion and on other fundamental freedoms continued and intensified during the year, especially during spring and summer. There were political protests by Tibetans in a number of ethnic Tibetan areas, including outside of the TAR.

The Government's record of respect for religious freedom in Tibet deteriorated as TAR authorities imposed new, severe restrictions on many traditional religious practices and public manifestations of belief in urban areas during the spring and summer. In the fall, after a new Party secretary assumed power, there were some signs of moderation in the intensity of the crackdown. Local authorities in many areas were not enforcing the new restrictions on lower-level government employees, students, and others. However, tight preexisting restrictions remained in place for higher-level cadres and government workers. Activities viewed as vehicles for political dissent are not tolerated at any time and are promptly and forcibly suppressed. Individuals accused of political activism faced ongoing and serious persecution during the year. There were reports of the imprisonment and torture or the abuse of monks and nuns accused of political activism, the death of prisoners, and the threatened closure of monasteries.

The lack of independent access to prisoners or to prisons makes it difficult to assess the extent and severity of abuses and the number of Tibetan prisoners; however, there were numerous reports of detentions and other punishments meted out during the year. A large number of monks and nuns remain detained or imprisoned. A number of such cases were cited by the U.N. Special Rapporteur on Torture in his report to the 56th session of the U.N. Commission on Human Rights in the spring.

There are reports that those detained, including those who have been tried and those who have not, are frequently subjected to forced labor that is injurious to their health and, in some cases, life threatening. Forced labor is found in prisons, detention centers, reeducation-through-labor facilities, and at work sites where prisoners are used as work forces. Tibetans outside of detention settings at times engage in labor on public projects managed by local governments without remuneration in lieu of paying taxes in cash. Tibetans are reportedly discriminated against in employment in Chinese government manufacturing and other work sites. Other fundamental worker rights recognized by the International Labor Organization, including the right to organize and the right to bargain collectively, that are broadly denied in China are also denied in Tibet.

According to reports, the rate at which Tibetan political prisoners are dying in detention, or soon after their release, demonstrably as a result of abuse while in detention, is increasing. According to the Tibet Information Network (TIN), female political prisoners, particularly those held at Lhasa's Drapchi prison, are at the greatest risk: since 1987, 1 in 27 died while in prison or soon after being released. Drapchi's

male political prisoners died at a rate of about 1 in 33 since 1987. Overall TIN reports a death rate of 1 in 50 for Tibetan political prisoners as of year's end.

There are many credible reports that prisoners are tortured and mistreated. Authorities use electric shocks, suspension in painful positions, and other forms of torture or abuse. Several sources reported the mistreatment and beatings of nuns in prison, including 24-year-old Ngawang Sangdrol, who was imprisoned at age 13, released 9 months later and resentenced at age 15; her prison sentence was extended for a third time in late 1998 to a total of 21 years for her involvement in demonstrations, most recently during May 1998. Ngawang Sangdrol reportedly has been beaten severely on multiple occasions because of repeated participation in protests at Drapchi prison; her health is poor and deteriorating, and she is not receiving adequate medical care, according to credible reports. There were credible reports that guards beat political prisoners at Drapchi prison after the protests in May 1998; some were beaten severely, including monk Thubten Kalsang and nun Phuntsog Nyidrol (who reportedly tried to shield Ngawang Sangdrol from beatings). In at least one cell block, prisoners reportedly were confined to their cells for 14 months after the incidents in May 1998. As a result of the May 1998 protests, 10 prisoners also had their sentences extended for periods of 18 months to 6 years. There are credible reports from a number of prisons that prisoners who resisted the political reeducation imposed by prison authorities, particularly demands to denounce the Dalai Lama and accept Gyaltsen Norbu, the boy recognized by the Government as the Panchen Lama, also were beaten. According to credible reports, punishments meted out to uncooperative prisoner leaders have resulted in hunger strikes among female prisoners on at least two occasions at Drapchi. Officials reportedly have resorted to lengthening periods of solitary confinement to isolate demonstrators. Authorities significantly increased prison capacity in Lhasa through the construction of additional cell blocks at Utrtru prison and expansions at Drapchi prison.

In February 1999 TIN and the foreign press reported increased use of military-style drills and exercises (often in either very hot or very cold weather) at Lhasa's Drapchi prison. Prison officials reportedly force prisoners to run barefoot, to stand motionless for extended periods, and to march for extended periods while shouting patriotic slogans. Prisoners who fall behind or who cannot remain still are beaten severely. Prisoners also were treated badly in other prisons.

There were reported deaths and suicides of Tibetan prisoners. According to credible reports, Tashi Tsering, who attempted to raise the outlawed Tibetan flag with explosives tied around his waist during the National Minority Games in August, 1999, committed suicide in prison in February. Sonam Rinchen, a farmer, died in prison in January. He had been arrested for unfurling a Tibetan flag during a protest in 1992 and sentenced to 15 years in prison. According to TIN, Shol Dawa, a 64-year-old political activist, died in Drapchi prison on November 19; the circumstances of his death were not known, but he was said to be suffering from a kidney ailment, was in poor health, and had been subjected to mistreatment and beatings on several occasions in the last few years. He was reportedly serving a 9-year sentence for trying to compile a list of names of political prisoners to send out of Tibet and was convicted of "espionage." Shol Dawa had been imprisoned a few times, starting in 1981. In October TIN published detailed information about the deaths of nine prisoners after the May 1998 protests at Drapchi prison. In June 1998, five nuns reportedly committed suicide together after weeks of severe mistreatment (including being forced to stand motionless in the hot sun on a daily basis over a period of several days, with cups of water on their heads and pieces of paper under their arms) following their participation in the prison protests. The nuns, all in their twenties, had been imprisoned for taking part in peaceful protests. All were near the end of their terms. At least three monks and a criminal prisoner also died in Drapchi during 1998.

According to credible reports, Chadrel Rinpoche, who was accused of betraying state secrets while helping the Dalai Lama choose the 11th reincarnation of the Panchen Lama, has been held in a secret compound of a Sichuan prison where he is separated from other prisoners, denied all outside contacts, and restricted to his cell since his 1997 sentence to 6 years' imprisonment after a trial that was closed to the public. In April the Government told a visiting foreign delegation that he is "fine physically" but gave no further details.

Authorities reported that Ngawang Choephel, a Tibetan ethnomusicologist sentenced in 1996 to 18 years in prison on charges of espionage, was moved from the high security Powo Tramo prison in the TAR to another facility near Chengdu in Sichuan Province so that he could receive medical treatment. In August his mother, Sonam Deckyi, was allowed two 1-hour visits with her son in that Sichuan facility. She reported that he is very thin and that he has complained about pains in his

torso. Also in August, he was said to be suffering from a variety of ailments, including digestive, urinary, kidney, and liver problems.

While there was limited political violence in Tibet during the year, an explosion occurred in Lhasa on October 26. Some have suggested that the explosion, which occurred outside of the offices of the government department that controls neighborhood activities and grassroots organizations, was politically motivated; however, whether the explosion was politically motivated has not been determined, and the blast may well have been a result of construction activity.

Legal safeguards for ethnic Tibetans detained or imprisoned are the same as those in the rest of China and are inadequate in design and implementation. According to TIN the length of the average sentence of Tibetan political prisoners is lengthening. For those currently incarcerated, the average sentence is 8 years, 8 months. Since 1987 the average sentence imposed on all political prisoners is 4 years, 9 months.

A majority of judges are ethnic Tibetans, but most have little or no legal training. Authorities are working to address this problem through increased legal education opportunities. Trials are brief and closed. Courts handle approximately 20 cases involving crimes against state security each year, for which maximum prison sentences are 15 years for each count, not to exceed 20 years in total. Such cases mainly concern actions in support of Tibetan independence; such activities do not have to be violent to be illegal. A TIN report put the number of political prisoners in Tibet at 500 as of the end of 1999. Reportedly 80 percent of female detainees are nuns, and approximately 66 percent of male prisoners are monks. Officials from the Justice and Prison Administration Bureaus told a foreign delegation in April that of the 2,200 prisoners currently serving sentences in the TAR (76 percent of whom were ethnic Tibetan, and 20 percent ethnic Han), 110 were incarcerated for "endangering state security," including approximately 30 nuns and 70 monks.

Refugee and other accounts published by NGO's report on the use of forced labor in prisons and other detention facilities in Tibet. Prisoners, usually working under production quotas, are forced to work in agriculture and lumbering, where the work is described as demanding, and accidents are frequent. Typically, forced labor in detention is without remuneration. Chinese law mandates that prisoners can be required to work up to 12 hours per day, with one rest day every 2 weeks (Article 53 of the Statute of Reform Through Labor). However, some refugees report that work requirements are more onerous than those set forth in the law. At Drapchi prison, male prisoners work in vegetable fields and in factories at the prison facilities. Female prisoners clean toilets and also are involved in tailoring, cleaning, or spinning and sorting wool to be used in the manufacture of carpets and sweaters. According to Human Rights Watch, some Tibetan prisoners are required to work beyond their terms of imprisonment. Prisoners in pretrial detention also are forced to work.

Promotion of family planning remains an important goal for the authorities in Tibet, but family planning policies permit most ethnic Tibetans, as well as other minority groups, to have more children than Han Chinese (who are subject to the same limits as citizens in other areas of the country—generally one child for urban couples and two for some rural couples). Urban Tibetans are permitted to have two children, while those in rural areas often have three or more. In practice Tibetans working for the Government, especially Communist Party members, are pressured to limit themselves to one child.

The Government tightly controls official visits, and delegation members usually have very few opportunities to meet local persons not previously approved by the local authorities. Foreigners, including international NGO personnel and foreign residents, were subject to travel restrictions during several periods over the summer, and many foreign groups reported increased restrictions on movements during the year. The Government also placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased control over border areas. In February up to 54 persons were detained by Chinese authorities as they tried to leave China and cross without proper travel documents into Nepal. Some were sentenced to prison terms of 2 to 3 years. Scores of ethnic Tibetans studying in India were similarly detained in the spring after entering China from Nepal, according to credible reports.

Some foreign NGO's reported restrictions on their activities and, in some cases, threats of expulsion. One foreign NGO was shut down during the year, and its foreign staff expelled.

Many staff members and teachers of the Gyatso Children's Home, a Lhasa orphanage that was closed by officials in September 1999, remained in detention, according to reliable reports. Authorities allege that the home's personnel were engaged in corrupt activity and were linked to persons who carried out "acts of vio-

lence." Several of the more than 60 Tibetan children who lived at the home were left by officials to live on the streets. Others were sent to live with relatives or placed in local orphanages where conditions reportedly were extremely poor.

FREEDOM OF RELIGION

The Government maintains tight controls on religious practices and places of worship. While it allows a number of forms of religious activity in Tibet, the Government does not tolerate religious manifestations that advocate Tibetan independence or any expression of separatism, which it describes as "splittism." The Government remains suspicious of Tibetan Buddhism in general because of its links to the Dalai Lama, and this suspicion also applies to Tibetan Buddhist religious activities or adherents who do not overtly demonstrate their patriotism for the State. The Government's record of respect for religious freedom deteriorated during the year as authorities imposed new, severe restrictions on many traditional religious practices and public manifestations of belief in the TAR's urban areas during the spring and summer. However, by autumn there were signs that authorities no longer were enforcing the new restrictions, and tensions abated somewhat. The Government harshly criticized the Dalai Lama's political activities and leadership of a government-in-exile. The official press continued to criticize vehemently the "Dalai clique" and, in an attempt to discredit the Dalai Lama and undermine the credibility of his religious authority, repeatedly described him as a separatist who was determined to split China. Both central government and local officials often insist that dialog with the Dalai Lama is essentially impossible and claim that his actions belie his repeated public assurances that he does not advocate independence for Tibet. Nonetheless the Government asserts that it is willing to hold talks with the Dalai Lama as long as he ceases his activities to divide the country and recognizes that Tibet is an inseparable part of China and that Taiwan is a province of China.

The Government continued its "patriotic education" campaign aimed at enforcing compliance with government regulations and either cowing or weeding out monks and nuns who refuse to adopt the Party line and remain sympathetic to the Dalai Lama. The "patriotic education" campaign also is intended to increase the Government's control over the Tibetan Buddhist establishment. The "patriotic reeducation" of monks and nuns, which began in 1996 in Lhasa area monasteries and in subsequent years was intensified and extended throughout Tibet and to monasteries outside of the TAR, continued but at a lower level of intensity. A new round of political education classes in monasteries began at the end of 1999 in Lhasa and in some smaller monasteries in more remote parts of the TAR. However, the current pattern of classes several times per week or per month seems less frequent than previously.

Official "work teams" remain in some monasteries and periodically visit others. Topics for such required classes include relations between Tibetans and Han Chinese, Tibet's historical status as a part of China, and the role of the Dalai Lama in attempting to "split" the country. According to regulations posted at the entrances of many monasteries, monks are required to be "patriotic," and authorities require monks to: Sign a declaration agreeing to reject independence for Tibet; reject Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the 11th reincarnation of the Panchen Lama; reject and denounce the Dalai Lama; recognize the unity of China and Tibet; and not listen to the Voice of America. According to some reports, monks who refused these terms were expelled from their monasteries and were not permitted to return home to work; others have been detained. Others were forced to leave their monasteries after failing to pass exams on these topics or being found "politically unqualified," and still others left "voluntarily" rather than denounce the Dalai Lama. Resistance to the campaigns has been intense, and the Government's efforts are resented deeply by monks, nuns, and lay Buddhists. Although there has been some reduction of patriotic education activities throughout the region as the objectives of increasing control over the monasteries and reducing the numbers of monks and nuns were achieved, religious activities in many monasteries and nunneries were disrupted severely, and monks and nuns have fled to India to escape the campaigns. Approximately 3,000 Tibetans enter Nepal each year to escape conditions in Tibet, according to the U.N. High Commissioner for Refugees; many of these refugees claim that they left because of the "patriotic reeducation" campaigns. The ban on the public display of photographs of the Dalai Lama continued, and such pictures were not readily available except illegally in many parts of the TAR.

Chinese authorities closely associate Buddhist monasteries with proindependence activism in Tibet. The Government has moved to curb the proliferation of monasteries, which it charges are a drain on local resources and a conduit for political infiltration by the Tibetan exile community. Chinese officials state that Tibet has more than 46,300 Buddhist monks and nuns and approximately 1,787 monasteries,

temples, and religious sites. These numbers apply only to the TAR; thousands of monks and nuns live in other Tibetan areas of China, including parts of Sichuan, Yunnan, Gansu, and Qinghai Provinces. Officials have used these same figures for several years, although there are credible reports that the numbers of monks and nuns have dropped significantly at many sites in the TAR, especially since the beginning of the "patriotic education" campaign. The Government states that there are no limits on the number of monks in major monasteries and that each monastery's democratic management committee decides on its own how many monks the monastery can support. However, these committees are government controlled; and in practice the Government generally imposes strict limits on the number of monks in major monasteries. Some monasteries reportedly have been required to decrease the number of monks associated with them. The Government has the right to disapprove any individual's application to take up religious orders, although it does not always exercise this right. According to a TIN report, in the area around Lhasa, the numbers of monks and nuns in monasteries and nunneries fell during the summer, as part of a drive to restrict religious observance; 30 monks were expelled from the Jokhang temple in July. At year's end, 120 monks, the official quota, remained at Jokhang. Although by regulation monks are prohibited from joining a monastery prior to the age of 18, many younger boys continue the tradition of entering monastic life. However, many young novices, who traditionally served as attendants to older monks while receiving a basic monastic education and awaiting formal ordination, have been expelled from monasteries in recent years for being underage; the fact that these novices were not regular members of the monasteries has allowed authorities to deny that there has been a significant decline in the numbers of monks.

Most Tibetans practice Buddhism to some degree. This holds true for many ethnic Tibetan government officials and Communist Party members. Some 1,000 religious figures hold positions in local people's congresses and committees of the Chinese People's Political Consultative Conference. However, the Government continues to insist that party members and government employees adhere to the Party's code of atheism. A 3-year drive to promote atheism and science, first announced in January 1999, originally aimed at government workers, continued and was extended to more government offices and to schools. The drive was launched to promote economic progress, strengthen the struggle against separatism, and stem "the Dalai clique's reactionary infiltration." Authorities threatened to terminate the employment of government employees whose children are studying in India (where the Dalai Lama's government-in-exile is located) if they did not bring the children back to Tibet, and authorities searched the homes of government workers for religious objects or pictures of the Dalai Lama.

During the spring and summer, authorities in Lhasa and other areas imposed new, severe restrictions on religious activities, prohibiting government and Communist Party officials from going into monasteries, visiting the Jokhang temple, having altars in their homes, participating in religious activities during the Tibetan New Year, or placing new prayer flags on their roofs (a traditional practice during the Tibetan New Year). There were also credible reports that some government employees were forbidden to make donations to monks and nuns in Lhasa. In addition some government workers and Party members were told that they must withdraw their children from monasteries, nunneries, and exile schools in India and were threatened with the expulsion of their children from schools if the workers and Party members participated in forbidden religious practices. In some areas, private citizens also were prohibited from engaging in traditional New Year's activities such as placing prayer flags on the top of Bumpari (a mountain near Lhasa), burning incense, and making the traditional "lingkor" (pilgrimage circuit around the sacred sites of Lhasa) during the June festival of Sagadawa, the most important religious holiday in Tibetan Buddhism. A number of men in street clothes reportedly lined the lingkor route and attempted to film persons walking the traditional circuit. Government employees allegedly were threatened with dismissal if they made the lingkor. During spring and summer, some Tibet University students reportedly also were forbidden to visit monasteries or to have religious objects in their rooms. The homes of private citizens in Lhasa reportedly were searched for religious paintings ("thangkas"). However, enforcement of these restrictions reportedly relaxed slightly later in the year. According to TIN, in July 1999, new restrictions were imposed by the authorities to prevent celebration of the Dalai Lama's birthday; in July these restrictions reportedly were enforced more stringently than in 1999. Reports indicate that Tibetans were forbidden to hold traditional incense-burning ceremonies anywhere in Lhasa, and that some places of worship were closed on the Dalai Lama's birthday.

The Government continues to oversee the daily operations of major religious sites. The Government, which does not contribute to monasteries' regular operating funds, retains management control of the monasteries through the government-controlled democratic management committees and the local religious affairs bureaus. During 1999 the TAR Religious Affairs Bureau confirmed that its officers are members of the Communist Party, and that Party members are required to be atheists; however, it was not possible to confirm that members of the local religious affairs bureaus are atheists. Regulations restrict leadership of democratic management committees to "patriotic and devoted" monks and nuns and specify that the Government must approve all members of the committees. At some monasteries, government officials also sit on the committees. Despite these government efforts to control the Buddhist clergy and monasteries, antigovernment sentiment remains strong.

In January the Karmapa, the highest ranking lama of Tibetan Buddhism's Karma Kargyu school, fled from Tibet to India after he reportedly had been denied access to Kargyu teachers or permission to study with them in India. Soon after officials closed Tsurphu monastery, the home of the Karmapa, to visitors. Many other persons, including lay persons, were questioned in connection with the Karmapa's flight. There were reports that several high ranking TAR officials were called to Beijing after the Karmapa left Tsurphu to account for their actions. According to TIN, authorities replaced monks on the monastic management committee at Tsurphu after the Karmapa's flight, while other monks were admonished to improve their "political attitudes" or face further "patriotic education" sessions. Other officials and monks at the monastery reportedly were under investigation by the authorities. On December 6, foreign officials were allowed to visit the Tsurphu monastery, where approximately 325 monks were said to be in residence. There were few other visitors at the time, even though December usually is a popular time for pilgrims to visit. According to reports, no new monks have been permitted to enter Tsurphu monastery since the Karmapa left; however, religious activity continued at the monastery. Officials reportedly are stationed at the monastery; according to some Western visitors, the atmosphere there is still tense, and monks are reluctant to talk to foreigners.

The dramatic departure of the Karmapa added to tensions and increased the authorities' efforts to control monastic activity in the TAR. TIN reported that the Reting Monastery near Lhasa was closed to visitors in May after the arrest of eight monks for protesting the authorities' selection of 2-year-old Sonam Phuntsog in January as the seventh reincarnation of the Reting Rinpoche. During the summer, another young lama, the 7-year-old Pawo Rinpoche, reportedly was moved to Lhasa from Nenang monastery and was kept under house arrest. He is said to have returned to Nenang Monastery during the fall, where he remains under house arrest, with heavy security. He reportedly has been denied access to his religious tutors. The Pawo Rinpoche was recognized by the Karmapa and is one of the senior Karma Kargyu lamas remaining in Tibet. In December foreign officials were denied permission to visit Nenang Monastery.

TIN reported that the Taglung Drag Monastery in Lhasa municipality was threatened with closure and its monks with expulsion if they refused to denounce the Dalai Lama after monks from the monastery shouted proindependence slogans in two separate incidents in March and August 1999. "Patriotic education" activities reportedly were increased, and 16 of 24 monks reportedly left the monastery in September 1999 rather than denounce the Dalai Lama.

The flight of the Karmapa also has made the authorities pay more attention to illegal border crossings and tighten security on the borders with India and Nepal. As a result, greater numbers of Tibetans have been arrested trying to leave the TAR. According to credible reports, in May as many as 50 Tibetan students returning to Tibet from India were arrested at the Nepal-China border.

The Government approved the selection of 2-year-old Sonam Phuntsog on January 16 as the seventh reincarnation of the Reting Rinpoche. A Tibetan government official stated that officials supervising religion should ensure that the boy "loves the Communist Party of China, the Socialist country, and Tibetan Buddhism" and that he help to "preserve the unity of the Chinese nation." The Dalai Lama, who by tradition would approve the selection of important religious figures such as the Reting Rinpoche, did not recognize this choice; many of the monks at Reting Monastery reportedly did not accept the child as the Reting Rinpoche.

The Panchen Lama is Tibetan Buddhism's second most prominent figure, after the Dalai Lama. The Government continued to insist that Gyaltzen Norbu, the boy it recognizes and enthroned in 1995, is the Panchen Lama's 11th reincarnation. The authorities tightly control all aspects of his life, and he has appeared publicly in Beijing and the TAR only on rare occasions. His public appearances were marked by a heavy security presence. At all other times, the authorities strictly limit access

to the boy. Meanwhile repeated requests for access to Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the 11th Panchen Lama, by high-level foreign government and private delegations, including the U.N. High Commissioner for Human Rights, to confirm his well-being and whereabouts have been denied. In October Chinese officials showed foreign officials two photographs purportedly depicting the boy. Government officials have claimed that the boy is being held for his own protection and that he lives in Tibet and attends classes as a "normal school-boy." The authorities also maintain that both boys are being well cared for and are receiving a good education. The vast majority of Tibetan Buddhists recognize Gendun Choekyi Nyima as the Panchen Lama. Tibetan monks have claimed that they were forced to sign statements pledging allegiance to the boy the Government selected as the reincarnation of the Panchen Lama. The Communist Party also urged its members to support the "official" Panchen Lama, and government authorities at both the regional and city levels had pictures of the boy printed for use in public and private religious displays.

The ban on the public display of photographs of the Dalai Lama continued, and such pictures were not readily available except through illegal means. Some monasteries and many individuals displayed them privately. In the spring, Lhasa area neighborhood committees began sending teams to the homes of ordinary citizens to confiscate books about and pictures of the Dalai Lama. Similar restrictions are in effect in Tibetan areas outside the TAR; although a few shops still quietly sell the Dalai Lama's photograph, the vast majority of monasteries no longer display his photo. The Government banned pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama to be the 11th reincarnation of the Panchen Lama. Portraits of Gyaltzen Norbu, the boy recognized by the Government to be the Panchen Lama, were on prominent display in some monasteries, as were sets of rules governing religious activity.

The Government claims that since the end of the Cultural Revolution, it has contributed sums in excess of \$40 million (300 to 400 million RMB) toward the restoration of tens of thousands of Buddhist sites, many of which were destroyed before and during that period, in part to promote the development of tourism in Tibet. However, at most sites, restoration efforts are funded privately.

There were reports of some Falun Gong practitioners among the Han minority in Tibet. In addition an official press report said that military authorities had become concerned over the practice by some soldiers of Zhong Gong, a qigong-based spiritual movement, prompting propaganda efforts aimed at eliminating the practice.

In June 1998, the European Union issued a report based on the trip of its ambassadorial delegation to Tibet in May 1998. The report was highly critical of the Government's control of religious freedom and stated that "the delegation was in no doubt that the authorities in the TAR exercise extremely tight control over the principal elements of Tibetan religion and culture."

ECONOMIC DEVELOPMENT AND PROTECTION OF CULTURAL HERITAGE

Tibet is roughly the size of Western Europe, having an area of approximately 1.2 million square kilometers. It has the smallest population of China's administrative regions with approximately 2.4 million inhabitants.

Tibetans, as one of China's 55 minority ethnic groups, receive preferential treatment in marriage and family planning policies, and, to a lesser extent, in university admissions and government employment. According to official government statistics, 74 percent of all government employees in Tibet are ethnic Tibetans. Nonetheless, many positions of real power are held by ethnic Han Chinese, and most key decisions in Tibet are made by ethnic Han. Although government regulations stipulate that government and legal documents are to be in Tibetan, in practice written communications by officials and government documents very frequently only are in Chinese. In the area of private sector employment, discrimination against Tibetans is widespread.

The Central Government and other provinces of China heavily subsidize the Tibetan economy, which has grown by an average annual rate of over 10 percent for the last decade. Over 90 percent of Tibet's budget income comes from outside sources. Tibet also benefits from a wide variety of favorable economic and tax policies. However, these policies have attracted growing numbers of ethnic Han and Hui (Muslim) immigrants from other parts of China, who are competing with—and in some cases displacing—Tibetan enterprises and labor. Government development policies have helped raise the material living standards of many ethnic Tibetans, particularly by providing better transportation and communications facilities, but many of the benefits of development and the expanding commercial sector accrue primarily to Han Chinese. For example, in many areas of Lhasa, almost all small

businesses are run by Han. Rapid economic growth, the expanding tourism industry, and the introduction of more modern cultural influences also have disrupted traditional living patterns and customs and threatened traditional Tibetan culture.

The Dalai Lama, Tibetan experts, and others have expressed concern that development projects and other central Government policies adopted at a 1994 national work conference on Tibet and still in effect encourage a massive influx of Han Chinese into Tibet, which has the effect of overwhelming Tibet's traditional culture and diluting ethnic Tibetan demographic dominance. In recent years, freer movement of persons throughout China, government-sponsored development, and the prospect of economic opportunity in Tibet have led to a substantial increase in the non-Tibetan population (including China's Muslim Hui minority as well as Han Chinese) in Lhasa and other urban areas. An increased number of immigrants from China's large transient population seek to take advantage of these new economic opportunities. Most of these migrants profess to be temporary residents, but small businesses run by ethnic Han and Hui citizens (mostly restaurants and retail shops) are becoming more numerous in almost all Tibetan towns and cities. Discrimination in employment reportedly is rampant; ethnic Han are hired preferentially for many jobs and receive greater pay for the same work. Ethnic Tibetans reportedly are fired discriminatorily from some jobs. In addition many jobs require proficiency in Chinese (which gives Han an advantage). Connections also reportedly work to the advantage of the ethnic Han (who tend to be in the higher ranking positions), and it is more difficult for Tibetans to get permits and loans to open businesses than it is for ethnic Han.

In Lhasa, the Chinese cultural presence is obvious and widespread. Buildings are of Chinese architectural style, the Chinese language is widely spoken, and Chinese characters are used in most commercial and official communications. Lhasa had a population of 139,683 in 1998. Some observers have estimated that at least half and perhaps more of Lhasa's residents are Han Chinese; elsewhere in the TAR, the Han percentage of the population is significantly lower. In rural areas, the Han presence is often negligible. Chinese officials assert that 95 percent of Tibet's officially registered population is Tibetan, with Han and other ethnic groups making up the remaining 5 percent. This figure does not include the large number of "temporary" Han residents, including military and paramilitary troops and their dependents, many of whom have lived in Tibet for years.

There are reports that malnutrition among Tibetan children is widespread in many areas of the TAR. This is particularly true of rural areas and has resulted in high rates of stunted growth among children. Nutritional deficiency ailments, such as goiter (from a lack of iodine), night blindness (from a lack of Vitamin A), and rickets are said to be relatively common among children in some areas.

Illiteracy and semiliteracy levels are high. According to official government statistics, 42 percent of persons in the TAR are illiterate or semiliterate. Illiteracy and semiliteracy rates are as high as 90 percent in some areas. Chinese officials over the past few years have downgraded the use of Tibetan in education and in 1997 announced that they would begin teaching Chinese to Tibetan children starting in the first grade. The Government stated that this step was taken in order to make Tibetan children more competitive with their Han counterparts, and provide more educational and employment opportunities in the long run. Primary schools at the village level follow a Tibetan curriculum, but these schools usually have only two or three grades.

Approximately 83 percent of eligible children attend primary school, according to official statistics, but most pupils end their formal education after graduating from village schools. According to local education officials, Tibetan is the main language of instruction in 60 percent of middle schools, especially in more remote areas, although there are special classes offering instruction in Chinese. NGO's maintain that this figure is high. Most, but not all, of the students in the Chinese classes are ethnic Han. Most of those who attend regional high schools continue to receive some of their education in Tibetan, but knowledge of Chinese is essential as most classes are in Chinese. Tibetan curriculum high schools exist in a few areas, primarily in Tibetan areas outside the TAR. Since the mid-1980's, the Government has allocated funds to enable Tibetan secondary students to study in schools elsewhere in China. According to government figures, there are 13,000 Tibetan students currently studying in some 100 schools in different parts of China. Knowledge of Chinese is usually necessary to receive a higher education, although some minority colleges allow for study of some subjects in Tibetan.

Tibet University, which has 3,000 students, was established to train Tibetan teachers for the local educational system. Ethnic Tibetans resent the disproportionate Han representation in the student body and faculty. Tibetans, officially said to constitute approximately 95 percent of the region's population, make up approxi-

mately 67 percent of Tibet University's student body and only 50 percent of the faculty. Although Tibetans are given admission preference, Han Chinese students frequently gain admission because they score higher on admission exams due to stronger Chinese-language skills and educational backgrounds. Authorities reportedly require professors, particularly those from Tibet University's Tibetan Language Department, which is viewed as a potential source of dissent, to attend political education sessions and limit course studies and materials in an effort to prevent "separatist" political and religious activity on campus. Many ancient or religious texts are banned from the curriculum for political reasons. The Tibetan Language Department, which was closed to new students in the fall of 1997, was reopened in 1998 after its curriculum had been purged of religious and "separatist" materials. According to TIN, 70 Han students were admitted to the Tibetan Language Department to prepare them to work as administrators in Tibet and Tibetan areas outside the TAR. This is the first time the university has enrolled such a group, and there are reports of tensions between Han students and ethnic Tibetans on campus.

Prostitution is a growing problem in Tibet, as it is elsewhere in the country, according to experts working in the region. Hundreds of brothels operate openly in Lhasa; up to 10,000 commercial sex workers may be employed in Lhasa alone. Much of the prostitution occurs at sites owned by the Party, the Government, or the military. Most prostitutes in Tibet are ethnic Han women, mainly from Sichuan. However, a substantial number of ethnic Tibetans, mainly young girls from rural or nomadic areas, also work as prostitutes. The incidence of HIV/AIDS among prostitutes in Tibet is unknown but is believed to be relatively high.

During the year, there were reports that TAR authorities were pressuring employers of ethnic Tibetans who were raised or educated in India to dismiss such employees, especially in the tourism industry. Lhasa tour agencies have been forced to dismiss ethnic Tibetan tour guides educated in India and Nepal. These guides were required to seek employment with the government's Tibet Tourism Bureau (TTB). Prior to gaining employment with the TTB, applicants must pass an examination on tourism and politics. Many, if not most, Tibetan tour guides educated abroad reportedly fail this exam. Tourist hotels and restaurants have been "encouraged" to dismiss ethnic Tibetan employees educated abroad, as well.

In October 1999, the official news agency Xinhua reported that the Tibet Autonomous Regional Television opened a Tibetan-language satellite television channel. The channel broadcasts in Tibetan for 10 hours each day, and reaches areas in Sichuan, Qinghai, Gansu, and Yunnan Provinces as well. There also are two bilingual channels, on which Tibetan language programs make up 15 percent of the total. According to an NGO report, radio broadcasts by the Oslo-based Voice of Tibet were blocked starting in January. The signals of the Tibetan language services of VOA and RFA suffer from the same jamming of their frequencies by Chinese authorities as the signals of their Chinese language services. However, Tibetans are able to listen to the broadcasts at least some of the time.

The Internet has been open to the public since April 1999. At year's end, Lhasa had several Internet cafes, and estimates put the number of Internet users at several thousand.

Despite the designation of dozens of buildings in the old section of Lhasa as protected cultural heritage sites, there were credible reports during the year that some traditional buildings were destroyed. However, most of the protected sites have been preserved.

China's economic development policies, supported in Tibet by central government subsidies, are modernizing parts of Tibetan society and changing traditional Tibetan ways of life. Although the Government has made efforts in recent years to restore some of the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continue to limit the fundamental freedoms of ethnic Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage.

TAIWAN

The March victory of Democratic Progressive Party (DPP) presidential candidate Chen Shui-bian marked the first transition from one political party to another in Taiwan's history. The president appoints the premier, who heads the Executive Yuan (EY), or Cabinet. Constitutional amendments adopted in 1997 provided the Legislative Yuan (LY) with the authority to dismiss the Cabinet with a no-confidence vote. The previous ruling Nationalist Party (KMT) retains the majority in the LY, whose members were elected in a free and fair election in December 1998.

In addition to the DPP and KMT, the People First Party and the New Party play significant roles in the LY. The Judicial Yuan (JY) is constitutionally independent of the other branches of the political system, but corruption and political influence remain serious problems. However, the new DPP Government made efforts to eliminate corruption and to diminish political influence over the judiciary.

The National Police Administration (NPA) of the Ministry of Interior (MOI), the NPA's Criminal Investigation Bureau, and the Ministry of Justice (MOJ) Investigation Bureau are responsible for law enforcement relating to internal security. The police and security agencies are under effective civilian control. Some members of the police occasionally committed human rights abuses.

Taiwan has a dynamic, export-oriented, free market economy. Liberalization of the economy diminished the dominant role that state-owned and party-run enterprises played in such major sectors as finance, transportation, utilities, shipbuilding, steel, telecommunications, and petrochemicals. As the economy evolved, services and capital- and technology-intensive industries have become the most important sectors. Major exports include computers, electronic equipment, machinery, and textiles. Citizens generally enjoy a high standard of living and an equitable income distribution.

The authorities generally respect human rights; however, problems remain in some areas. Principal problems during the year included police abuse of detainees; prison overcrowding; political and personal pressures on the judiciary; some infringements on citizens' privacy; violence and discrimination against women; child prostitution and abuse; societal discrimination against Aborigines; restrictions on workers' freedom of association and on their ability to strike; and instances of trafficking in women and children. However, during the year, political and personal pressures on the judiciary decreased significantly.

In his May 20 inaugural address, President Chen declared that Taiwan must include international human rights in its legal code and establish a national human rights committee.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution does not directly address the issues of torture and punishment, the Code of Criminal Procedure stipulates that no violence, threat, inducement, fraud, or other improper means shall be used against accused persons; however, there were credible reports that police occasionally physically abused persons in their custody.

The law allows suspects to have attorneys present during interrogations, primarily to ensure that abuse does not take place (see Section 1.d.). The MOJ claims that each interrogation is recorded and that any allegation of mistreatment is investigated. Nonetheless lawyers and legal scholars note that abuses most often occur in local police stations where interrogations are not recorded and when attorneys often are not present. Informed observers note that police emphasize confessions by suspects as the principal investigative tool. Law enforcement agencies remain weak in scientific investigative skills; however, the NPA has made efforts to improve its investigative skills, upgrading its crime laboratory technology and training crime scene examiners. International observers also have noted that the judicial system sometimes has accepted confessions even when they contradict available physical evidence or logic. The NPA denies that police abuse suspects. It asserts that regulations forbid such abuse and that police who abuse suspects will be punished. The NPA implemented regulations in 1997 to protect further the rights of suspects during questioning, including forbidding the questioning of suspects at night and requiring audio or, whenever possible, videotaping of interrogations. Nevertheless there are credible reports that the physical abuse or the threat of abuse of prisoners is a recurring investigative technique. In one such case in April, in order to obtain a confession, police allegedly physically abused four youths who were suspected of robbing the residence of a prominent person. The head of the police station subsequently made a public apology to the youths when it was discovered that eight other individuals were responsible for the crime. Detainees who are abused physically have the right to sue the police for torture, and confessions shown to have been obtained through torture are inadmissible in court proceedings. In July the parents of the four youths filed suit against the police. In November the Taiwan High Court began a retrial of the "Hsichih Trio"—three youths convicted of murder and sen-

tenced to death in 1992. The three claim that the police tortured them into confessing.

The authorities state that they have made efforts to investigate, prosecute, and punish officials responsible for torture and other mistreatment. Although the basic responsibility for investigating mistreatment lies with prosecutors, the Control Yuan (CY), a coequal branch of the political system that investigates official misconduct, also investigates such cases. While the authorities state that respect for human rights is a part of basic police training, human rights groups assert that the measures the authorities have taken to protect human rights are inadequate to create an ethos of respect for human rights among police and security personnel. Women's and children's rights groups are active in monitoring police and judicial performance and periodically mount campaigns to correct abuses.

Corporal punishment is forbidden under military law and strictly prohibited in practice. The Ministry of National Defense (MND) has taken steps to address the occasional reports of physical abuse of military personnel by promulgating regulations specifying the appropriate treatment of lower ranking personnel and by conducting regular polls of servicemen and their families to discover any abuse. The authorities also have established a telephone hot line to report alleged abuses within the military. Reports of abuse are investigated and handled according to the law. In addition the MND has established practical training and curriculums for all military personnel who have contact with new recruits. Pressure from parents of recruits and a program to retain recruits also have contributed to an apparent reduction in abuses. In 1999 the MND established a committee for the protection of the rights of military personnel. Using the expertise of outside consultants, the committee handles personal problems of military personnel and is part of the MND's effort to promote "humanitarian management" within the military. In January the MND began quarterly evaluations of commanding officers' performance in preventing injuries to soldiers under their command. In August the MND issued a decree prohibiting officers from "bullying" new recruits, spelling out the proscribed behavior, and specifying stiff penalties for violations.

Prison conditions generally meet minimum international standards. However, overcrowding at the 49 prisons and overly long stays at the detention centers for illegal aliens remained problems, although the authorities have begun to address this latter problem (see Section 2.d.). Despite an increase in facilities since 1997, the number of inmates detained at year's end exceeded capacity by 7,385. The primary reason for overcrowding has changed. The number of parolees dropped, and the number of inmates rose after a 1997 amendment to the Code of Criminal Procedure reversed a 1994 amendment that had allowed prisoners to be paroled after serving one-third, rather than one-half, of their sentences. On the other hand, the number of incarcerated drug users, which previously had been the fastest growing category of inmates, leveled off. In addition the Ministry of Justice has set up drug treatment facilities to reduce the number of addicts in the prison population.

The authorities permit prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the authorities generally observe this prohibition. Police legally may arrest without a warrant anyone they suspect of committing a crime for which the punishment would be imprisonment of 5 years or more and may question persons without a formal summons when circumstances are too urgent to report to a public prosecutor. However, immediately after detaining a suspect the authorities must apply to a prosecutor for a warrant to detain the arrestee for up to 24 hours and must give written notice to the detainee or a designated relative or friend, stating the reason for the arrest or questioning. Indicted persons may be released on bail at judicial discretion. In May the NPA ordered all police stations to prohibit the media from photographing persons under detention and to cease providing the names of detainees to the media. However, this order is not being observed in practice, as detainees frequently appear on television news programs.

In 1997 an amendment to the Code of Criminal Procedure shifted the power of investigative detention from the prosecutors to the courts. Under the 1997 law prosecutors must apply to the courts within 24 hours after arrest for permission to continue detaining an arrestee. The duration of this pretrial detention is limited to 2 months, and the courts may approve a single extension of 2 months. Limits also were set for detention during trial. If a crime is punishable by less than 10 years' imprisonment, then no more than 3 extensions of 2 months each may be granted during the trial and appellate proceedings. During the second appeal, only one extension may be granted. The authorities generally observe these procedures, and trials usually take place within 3 months of indictment.

The revised Code of Criminal Procedure requires the police to inform a suspect during an interrogation of the specific charges in question, the right to remain si-

lent, the right to counsel, and the right to ask the police to investigate evidence that would be favorable to the suspect. If the charges are amended subsequently, the police must inform the suspect. The authorities generally respect a detainee's request to have a lawyer present during the investigation phase, but defense lawyers and human rights groups continue to complain that the rules do not provide adequate protection since suspects often do not have legal representation during police interrogation. A contributing factor is that there is no legal requirement that indigent persons be provided counsel during police interrogation, although such counsel is provided during trials. Informed observers report that the "public defense counsels" do not provide effective defense assistance. They typically do not appear until the final debate hearing of the trial, and they seldom spend a significant amount of time discussing the case with their clients.

The authorities do not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, corruption and political influence remain serious problems. The new DPP Government made efforts to eliminate corruption and to diminish political influence.

The Judicial Yuan (JY) is one of the five coequal branches of the political system. The JY is headed by a president and a vice president and also contains the 16-member Council of Grand Justices (CGJ), which interprets the Constitution as well as laws and ordinances. Subordinate JY organs include the Supreme Court, high courts, district courts, the Administrative Court, and the Committee on the Discipline of Public Functionaries. In 1999 the LY passed legislation adding an additional level to the Administrative Court to provide for judicial review.

The law provides for the right of fair public trial, and this is generally respected in practice. Judges, rather than juries, decide cases; all judges are appointed by, and are responsible to, the JY. In a typical court case, parties and witnesses are interrogated by a single judge but not directly by a defense attorney or prosecutor. The judge may decline to hear witnesses or to consider evidence that a party wishes to submit if the judge considers it irrelevant; a refusal to hear evidence may be a factor in an appeal. Trials are public, but attendance at trials involving juveniles or potentially sensitive issues that might attract crowds may require court permission.

A defendant has the right to an attorney. If the defendant is charged with committing a crime for which the penalty is 3 or more years' imprisonment or if the defendant is indigent, the judge may assign an attorney. Attorneys assigned to defendants generally assist during the investigative phase of a case and at trial, but generally are not present during police interrogations. Informed observers report that public defense counsels do not provide effective defense assistance (see Section 1.d.). A 1997 law states that a suspect may not be compelled to testify. The Code of Criminal Procedure states that a confession shall not be the sole evidence used to find a defendant guilty. Nonetheless informed observers note that convictions frequently result from a combination of a confession and circumstantial evidence of varying quality. However, in September a Taipei district court dropped drug trafficking charges against a suspect. The police were unable to present any evidence other than a confession and had failed to record the interrogation. Any convicted person has the right to appeal to the next higher court level. Persons sentenced to terms of imprisonment of 3 years or more may appeal beyond that level. The Supreme Court automatically reviews life imprisonment and death sentences. Under the law, prosecutors have the right to appeal verdicts of not guilty to the next higher court level.

The LY passed legislation in 1997 revising procedures in the 1985 "Antihoodlum" Law, which had departed from international standards of due process. The revised procedures require all witnesses to testify openly but provide procedures for their subsequent protection, "in exceptional circumstances." In 1995 the Council of Grand Justices (CGJ) declared unconstitutional the administrative procedures that had been used to sentence hoodlums to reformatory education.

In February opposition political parties charged the then-ruling KMT administration with interference in the judicial process when a court ordered the search of the residence of the former president of the LY in connection with a banking scandal. The case had been under investigation for more than a year, but the residence was not searched until shortly after the politician in question quit the KMT to support an opposition presidential candidate. The authorities asserted that new evidence had come to light that mandated the search.

The JY took measures to reduce political influence on judges. Measures taken include: Judicial appointments and promotions are decided by secret ballot of an independent committee; judicial decisions no longer are subject to review by presiding judges, except in the case of decisions by "assistant judges;" distribution of cases is decided by the judges themselves; and judges and the President of the JY are pro-

hibited from taking part in political activities. The new administration's anticorruption campaign also has reinforced the JY's efforts to eliminate judicial corruption. The JY's anticorruption department increased efforts to uncover possible corruption cases during the year and is more responsive to public complaints regarding judicial personnel. Measures from the 1999 National Judicial Reform Conference strengthened the supervision and evaluation of judge's performance. These factors have reduced the incidence of judicial misconduct; however, occasionally individual judges still are found to be involved in illegal activities. In September a judge in Tainan was arrested on suspicion of running a brothel since 1998 and using his position to protect the business from police scrutiny.

In June the Shilin District Court in Taipei city and the Miaoli county courts adopted the new trial system in response to the JY President's 1999 judicial reform proposals. Serving as a potential model for the rest of the island, the defendant-oriented trial system will better protect the rights of the accused. Although the LY has yet to enact the JY President's proposed code of judicial conduct, the proposals have resulted in revised precepts for evaluation of judicial performance, and strengthened reviews of judges' financial disclosure reports.

In 1999 the law was revised to create the position of law clerks. Working as assistants to judges, the law clerks are intended to improve judicial performance and the quality of decisions.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and sections of the Criminal and Civil Codes contain provisions protecting privacy. A prosecutor or a judge must issue a warrant before a search, except when "incidental to arrest." However, critics claim that the "incidental to arrest" provision is not only unconstitutional but also often interpreted broadly by police to justify searches of locations other than actual arrest sites. According to the NPA, warrantless searches are allowed only in special circumstances, such as to arrest an escapee or if facts indicate a person is in the process of committing a crime. In any such case, the police must file a report with the prosecutor or court within 24 hours. A policeman who carries out an illegal search may be sued for illegal entry and sentenced to up to 1 year in prison. Few defendants or their spouses have filed charges against policemen found to have obtained evidence illegally. Furthermore illegally obtained evidence is not excluded automatically from consideration by the court; instead, its admission is left to the discretion of the judge. Increasingly judges are excluding illegally obtained evidence, although in the past such evidence was admitted and frequently provided the basis for conviction. For example, in September a judge refused to admit evidence obtained through an illegal wiretap.

In addition to criminal suspects, persons are subject to searches and identity checks by police in public places. Roadblocks to check vehicles randomly are conducted routinely. Pedestrians also are subject to identity checks. Such checks are based only on a section of the Police Administration Law, and police officers are given wide discretion.

The wiretapping of telephones is a serious problem. The Telecommunication Law and Code of Criminal Procedure provide that judicial and security authorities may file a written request to a prosecutor's office to monitor telephone calls to collect evidence against a suspect involved in a major crime. The 1999 Telecommunications Protection and Control Law sought to bring unauthorized wiretapping under control by imposing severe penalties. The Ministry of Justice maintains that there are many fewer applications for wiretaps under the new law because of the tighter regulations in force. According to the NPA, 3,377 police wiretaps were approved in the 12-month period after the new legislation took effect, compared with more than 15,000 telephones that were reportedly wiretapped in 1999. The law also regulates wiretapping by the intelligence services.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the authorities respect these rights in practice.

Print media represent the full spectrum of views within society. However, some political influence still exists over the electronic media, particularly broadcast television stations. The ruling DPP is associated with Formosa TV (FTV), an island-wide broadcast television station based in Kaohsiung. The Government is the largest shareholder of Taiwan Television Enterprise (TTV), and the military is the largest shareholder of the Chinese Television System (CTS), although it does not appear to play any role in programming. The opposition KMT is the largest shareholder of China Television Company (CTV). A fifth island-wide broadcast station run by a nonprofit public television foundation under the Government Information Office (GIO) was inaugurated in 1998. However, the existence of approximately 100 cable

television stations, some of which carry programming openly critical of the various political parties, including the ruling party, has diminished greatly the importance of political party influence over the broadcast television stations. Over 80 percent of households receive cable television, which includes local, privately financed channels, as well as many major international networks. Cable television call-in programs have given the public an additional means of expressing their views.

Controls over radio stations were more limited than those over television stations and are being liberalized further. During the 12-month period ending in September, the GIO received 496 applications for radio broadcast frequencies. A total of 71 frequencies were made available, and 6 of these were apportioned; applications for the remaining frequencies are under review. However, many of the newly authorized radio stations have limited broadcast ranges, and approximately 40 of the available frequencies are in remote areas, leading critics to charge that the stations do not constitute a genuine counterweight to the authorities' monopoly on island-wide radio broadcasting.

Observers noted that licensing requirements oblige prospective radio station owners to have more capital than actually is required to operate a station. This requirement inhibits individuals or groups from applying for radio station licenses. However, the GIO claims that the \$1.5 million (NT\$50 million) required capitalization is based upon consideration of actual business costs and notes that the required capitalization is reduced to \$31,250 (NT\$1 million) for radio stations serving remote areas or designated ethnic groups and civic organizations, or which promote local development. Reportedly over 100 unlicensed "underground" radio stations, many associated with opposition parties, operate illegally.

There is a vigorous and active free press. In 1999 the LY abolished the Publications Law, which had empowered the police to seize or ban printed material that was seditious, treasonous, sacrilegious, interfered with the lawful exercise of public functions, or violated public order or morals. There were no reports of censorship of the print media during the year, nor were there any seizures of materials on political grounds. The police sometimes seize pornographic materials in accordance with the Prevention of Child and Juvenile Sexual Trafficking Law. In October prosecutors searched the offices of a newspaper and homes of two of its reporters in connection with the leak of a confidential transcript concerning a National Security Bureau investigation. Critics charged that the searches violated press freedom and urged reforms that would require judicial approval before such searches could be undertaken. The Ministry of Justice maintained that such limits would cripple law enforcement efforts.

The GIO requires that any publications imported from mainland China be sent to the GIO Publications Department for screening before sale or publication and still seeks to ban the importation of publications that advocate communism or the establishment of united front organizations, endanger public order or good morals, or violate regulations or laws. However, few local publishing companies observe this regulation, and substantial People's Republic of China-origin material is imported every year and is widely available at schools and in research institutes. Moreover, cable television systems broadcast uncensored television channels from mainland China.

Among other restrictions regulating the media are those precluding persons previously convicted of sedition from owning, managing, or working in television and radio stations. DPP leaders, many of whom were convicted of sedition after the 1979 Kaohsiung incident, nevertheless are not affected because their rights were restored through presidential amnesties by the previous administration.

There are few restrictions on academic freedom. The expression of dissenting political views is common.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the authorities respect this right in practice. Permits are required for outdoor public meetings, and they are routinely granted.

The Constitution provides for freedom of association; and the authorities respect this right in practice. The Civic Organization Law requires all civic organizations to register. No groups are known to experience any difficulty registering. Registered civic organizations may solicit donations from the public, contributors to them may take income tax deductions for their contributions, and the employees of such organizations are eligible to receive employment-linked benefits such as national health insurance coverage.

Under the Civic Organization Law the Constitutional Court holds the power to dissolve political parties. Grounds for dissolution include objectives or actions that are deemed to jeopardize the existence of the "Republic of China." The Constitutional Court heard no cases under this law during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the authorities respect this right in practice. Religious organizations may register with

the central authorities through their island-wide associations under either the Temple Management Law, the Civic Organizations Law, or the chapter of the Civil Code that governs foundations and associations. Registered organizations operate on a tax-free basis and are required to make annual reports of their financial operations. While individual places of worship may register with local authorities, many choose not to register and operate as the personal property of their leaders. In the past, concern over abuse of tax-free privileges or other financial misdeeds occasionally prompted the authorities to deny registration to new religions whose doctrines were not clear, but there were no reports that the authorities sought to suppress new religions during the year. In December the President granted a special amnesty to 19 conscientious objectors who had been imprisoned for refusing military service on religious grounds.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation.—The authorities do not restrict freedom of internal travel. Foreign travel by passport holders is common.

Nonresident Taiwan passport holders are usually issued “overseas Chinese” passports and must seek entry permits for travel to Taiwan. According to 1992 revisions to the National Security Law (NSL), entry permits may be refused only if there are facts sufficient to create a strong suspicion that a person is engaged in terrorism or violence. Reasons for entry and exit refusals must be given, and appeals may be made to a special board. No exit or entry permit refusals were reported during the year. In September, in connection with the trial of a political dissident who had returned to the island without obtaining clearance, a high court judge applied to the Council of Grand Justices for review of the law. In his application the judge questioned whether the NSL’s requirement for nonresident passport holders to obtain permission to enter Taiwan violated constitutional provisions for freedom of movement. In 1993 new measures provided that holders of Taiwan passports who normally reside abroad may return and regain their household registration, a document required to vote or participate as a candidate in an election.

Since 1987 Taiwan has relaxed substantially strictures against travel by residents to the Chinese mainland, and such travel is common. Relatively tight restrictions on the entry of Chinese from the mainland for national security reasons, which previously had been relaxed to permit cross-strait exchanges, were further relaxed in December when the LY passed legislation permitting mainland Chinese to visit for business, academic, or tourism purposes. The Government also revised regulations to permit PRC journalists to come to Taiwan for the first time ever.

There is no law under which noncitizens may ask for asylum, and there were no applications for refugee status during the year. While the authorities have been reluctant to return to the mainland those who might suffer political persecution, they regularly deport to the mainland, under provisions of the Mainland Relations Act, mainlanders who illegally enter the island for economic reasons. There were no reports of forced return of persons to a country where they feared persecution.

The detention centers for illegal immigrants continue to attract media attention. While recent expansion projects sought to relieve overcrowded conditions, some detention centers continued to be overcrowded, and inmates complained about overly long stays at the centers while waiting to be repatriated. The Bureau of Entry and Exit faults mainland Chinese authorities for delays in repatriation. In July the authorities began allowing some detained illegal aliens from mainland China to return to the mainland by airplane via Hong Kong at their own expense. In September the authorities began repatriating illegal alien mainland Chinese directly from the island of Matsu rather than taking them to detention centers on Taiwan.

In 1999 the LY enacted the Entry, Exit, and Immigration Law, which provided strict sentencing guidelines for alien smuggling. Several cases have been brought before the courts under this new law (see Section 6.f.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government peacefully, and citizens exercise this right in practice. In March for the first time an opposition party candidate was elected President, winning a 39 percent plurality in a 3-man race. Generally free and fair popular elections for the LY have taken place three times since 1992. In April the National Assembly (NA) voted to allow its term to expire without new elections. The NA determined that an election would be called in the event that the NA is needed to decide a presidential recall or to amend the Constitution. Most of the NA’s functions were transferred to the LY. Corruption and vote buying, particularly in local elections, are problems that the new administration is seeking to address. Within its first 6 months in office, the Chen Administration had obtained convictions for corruption against one LY member and one former LY member. In addi-

tion, another former LY member and three local government officials are under investigation, and 215 persons were indicted on charges of vote buying. In October the Ministry of Justice Investigation Bureau was ordered to cease political intelligence gathering regarding politicians and political parties, and to concentrate on criminal matters.

In the wake of its victory in the March presidential election, the ruling DPP grew to include some 350,000 members. The KMT remains the largest political party, with over 750,000 members reaffirming their membership in a registration drive following the March electoral defeat. It secured a working majority in the 1998 LY elections and now controls 112 of 220 seats. The runner-up in the presidential election, a KMT-maverick candidate, founded the People First Party, which has 17 LY members. The New Party founded by breakaway KMT members in 1993 has 9 seats in the LY and about 30,000 members.

The KMT benefits from its ownership of a major television channel and of enterprises and business holdings estimated to be worth in excess of \$6 billion, and from the fact that its members still hold many key positions throughout the bureaucracy and in local governments. The DPP's election victory notwithstanding, its ability to administer the island is facing a severe challenge. The lack of cooperation between the ruling and opposition parties in the LY has kept the new Administration from fully implementing its legislative agenda. In November the opposition parties formed an alliance in the LY and initiated a campaign to recall President Chen. While by year's end this effort had stalled, the opposition alliance since October has refused to work directly with the Premier.

The Constitution provides for equal rights for women, and, while still underrepresented, their role in government and politics is increasing. In March a woman for the first time was elected vice president, and nine women are members of the Cabinet, including the Minister of Interior and the Chairperson of the Mainland Affairs Council. Two of 29 Control Yuan members are women. A number of women also hold important political party positions. Two of the 11 members of the DPP Central Standing Committee are women, as are 11 of the KMT's 31 Central Standing Committee members.

Aborigine representatives participate in most levels of the political system, partially through holding 8 reserved seats in the LY—half of which are elected by the plains Aborigines and half by mountain Aborigines. An Aborigine serves as Chairman of the Council of Aboriginal Affairs. The magistrate of Taitung County is an Aborigine first elected in 1993 and reelected in 1997.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The principal human rights organizations are the Chinese Association of Human Rights and the Taiwan Association for Human Rights. Both organizations operate freely, although coordination between the two is limited. Both organizations investigate human rights complaints, many of which come to public attention through the media and statements by lawmakers from all political parties. The authorities also permit representatives of international human rights organizations to visit and meet with citizens freely. Amnesty International maintains a Taipei office. Women's and children's human rights groups monitor police and judicial performance and campaign to correct abuses (see Section 1.c.).

In his May 20 inaugural address, President Chen declared that Taiwan must include international human rights in its legal code and establish a national human rights committee.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality of citizens before the law "irrespective of sex, religion, race, class, or party affiliation." Constitutional amendments enacted in 1997 also provide for the rights of disabled persons. While the authorities are committed to protecting these rights, discrimination against some groups continues.

Women.—Violence against women, including domestic violence and rape, remains a serious problem. Wife beating is especially widespread. In 1994 the DPP Women's Development Committee claimed that 35 percent of married women were victims of spousal abuse. The authorities fund domestic violence hot lines, which have handled some 17,000 cases over the past decade. The Ministry of Justice has taken steps to strengthen the protection of women and children against violence in accordance with the 1999 Domestic Violence and Protection Control Law. This law allows prosecutors to take the initiative in investigating complaints of domestic violence without waiting for a spouse to file a formal lawsuit. Although some cases are prosecuted, strong social pressure discourages abused women from reporting incidents to the police in

order to avoid disgracing their families. Rape also remains a serious problem, and its victims are stigmatized socially. One expert estimates that 7,000 rapes occur annually—10 times the number reported to the police. In 1999 the LY passed legislation that permits the prosecution of the crime of rape without requiring the victim to press charges. According to a law passed in 1997, rape trials no longer are public unless the victim consents. The Code of Criminal Procedure establishes the punishment for rape as not less than 5 years' imprisonment, and those convicted usually are sentenced to from 5 to 10 years in prison. There were 2,042 cases of rape or sexual assault reported in 1999. A total of 627 persons were indicted for the crime of rape and 197 were convicted. Marital rape is a crime.

In 1998 the LY passed legislation that required all city and county governments to set up domestic violence prevention and control centers. The centers provide victims with protection, shelter, legal counseling, and other services on a 24-hour basis. From July 1999 to October 2000 the centers handled 34,904 cases of domestic violence. Under the law, a judicial order may be obtained to prohibit violators from approaching victims. The Ministry of Interior also provides assistance, such as financial assistance and shelter, to victims of rape or domestic violence. In 1999 the Ministry established a domestic violence prevention committee to implement a comprehensive program for the protection of women and children.

Prostitution, including coerced prostitution and child prostitution, is also a problem (see Section 6.f. and 6.c.). The authorities are phasing out legalized prostitution; in 1999 the LY banned prostitution, but exempted prostitutes already registered with the authorities. Under the law, no new houses of prostitution may be registered. There have been reports of a growing trend of young women, often well educated, voluntarily entering into part-time prostitution to earn additional spending money. There also are credible reports of women being trafficked into the country for purposes of prostitution (see 6.c. and 6.f.).

The law prohibits sex discrimination, and the LY in recent years has begun a systematic review and revision of those portions of the legal code relating to divorce, property, and child custody. As a result of legislation passed in 1998, many sections of the code that discriminated against women were eliminated. For example, women now are no longer required to adopt their husband's last name after marriage.

There is no equal employment rights law, and enforcement of existing sex discrimination laws remains a problem, although the major city and county administrations have set up committees to accept complaints of sexual discrimination in the workplace. Labor laws provide for maternity leave, but employers do not always grant it. Women also complain of being forced to quit jobs due to marriage, age, or pregnancy. Women often complain of less frequent promotions and lower salaries than their male counterparts, although the Labor Standards Law prohibits gender-based differences in wages. According to the Council on Labor Affairs, salaries for women average 85 percent of those for men performing comparable jobs.

Male spouses of female citizens now are treated the same as female spouses of male citizens. In 1999 the LY passed legislation permitting spouses of citizens to apply for permanent residency after residing in Taiwan for 5 years. However, the Citizenship Law continues to stipulate that the transmission of citizenship occurs exclusively through the father. A citizen mother with a foreign husband thus cannot apply for a Taiwan passport for her child. However, when such a child reaches age 14, the child may apply.

NGO's involved with women's issues include the Women Rescue Foundation and the Women Awakening Foundation, which help women victims of domestic violence; and the Garden of Hope, which helps rescue child prostitutes.

Children.—The Constitution has provisions to protect children's rights, and the authorities are committed to supporting them. Education for children between 6 and 15 years of age is free and compulsory, and this rule is enforced. The percentage of school age children attending primary school is 99.92 percent, and those attending junior high school 99.89 percent. Children also are provided health care under the national health insurance scheme.

Child abuse is a significant problem. In the first 10 months after the Domestic Violence Control Law was passed in mid-1999, the Domestic Violence Protection Center received more than 900 applications for protection of children. The 1993 revision of the Child Welfare Act states that any persons discovering cases of child abuse or neglect must notify the police, social welfare, or child welfare authorities, that child welfare specialists must make such notification within 24 hours, and that the authorities involved must issue an investigation report within 24 hours. Both the Ministry of Interior's Social Affairs Department and nongovernmental specialists assert that these requirements are followed. During the year, a senior member of a Buddhist academy was charged with sexually assaulting several novice monks who were children. In 1999 the LY passed legislation creating a Child Welfare Bu-

reau in the Ministry of Interior to enhance efforts to protect child welfare. Financial subsidies are provided to low-income families with children in day care facilities and to local governments to promote child protection efforts.

In 1999 the first juvenile court was established in Kaohsiung to handle criminal cases. Previously regular courts handled such cases. The new court includes 24 juvenile counselors. There are three juvenile detention centers on the island.

Although no reliable statistics are available, child prostitution is a serious problem, particularly among Aborigine children (see Section 6.c. and 6.f.). Most child prostitutes range from 12 to 17 years of age. The juvenile welfare law enables juvenile welfare bodies, prosecutors, and victims to apply to courts for termination of guardianship of parents and the appointment of qualified guardians if parents have forced their children into prostitution. If children are engaged in prostitution of their own free will, and the parents are incapable of providing safe custody, the courts may order competent authorities to provide counseling for not less than 6 months and not more than 2 years. However, legal loopholes and cultural barriers remain obstacles to enforcement. On occasion parents have sold a child into prostitution, a problem associated mostly with Aborigine families (see Section 6.c.).

According to some reports, brothel owners, to prevent child prostitutes from escaping, use violence, drug addiction, and other forms of coercion. In 1995 the LY passed legislation providing for as much as 2 years' incarceration for customers of prostitutes under the age of 18. The legislation also requires the publication of the names of violators in newspapers. Under a plan adopted by the NPA, city and county authorities across the island have established police task forces to strengthen their efforts against child prostitution. During the first 7 months of the year, 379 persons were arrested for violations of the law, resulting in 66 convictions. In 1999 the LY amended the Prevention of Child and Juvenile Sex Trafficking Law to prohibit the media from running advertisements involving the sex trade and to impose penalties on citizens arrested abroad for having sex with minors (see Section 6.f.).

People with Disabilities.—The Disabled Welfare Law was revised and strengthened in 1990. It prohibits discrimination against the disabled and sets minimum fines at approximately \$2,400 (NT\$73,800) for violators. Under these revisions, new public buildings, facilities, and transportation equipment must be accessible to the disabled, while existing public buildings were to be brought into conformity by 1995. Although new buildings appear to meet accessibility requirements, there does not as yet appear to be a substantial effort aimed at refitting older buildings to accommodate disabled people.

A leading expert in the field estimates that the number of disabled is between 400,000 and 500,000—possibly as high as 700,000. One-third of the total are severely disabled and receive shelter or nursing care from the authorities. The Disabled Welfare Law requires large public and private organizations to hire disabled persons equal to 2 and 1 percent of their work forces respectively. Organizations failing to do so must pay, for each disabled person not hired, the basic monthly salary (approximately \$570 (NT\$18,880)) into the Disabled Welfare Fund, which supports institutions involved in welfare for the disabled. Many organizations complain that it is difficult to find qualified disabled workers, and they appear to prefer to pay the fines involved.

Indigenous People.—The island's only non-Chinese minority group consists of the Aboriginal descendants of Malayo-Polynesians already established when the first Chinese settlers arrived. According to the Council of Aboriginal Affairs, there were 381,000 Aborigines at the end of 1998. More than 70 percent are Christian, while the dominant Han Chinese are largely Buddhist or Taoist. The civil and political rights of Aborigines are protected fully under law. The NA amended the Constitution in 1992 and again in 1997 to upgrade the status of Aboriginal people, protect their right of political participation, and ensure their cultural, educational, and business development. In addition the authorities instituted social programs to help Aborigines assimilate into the dominant Chinese society. The cabinet-level Council of Aboriginal Affairs was established in 1996 to protect Aboriginal rights and interests. Critics have noted that its budget is quite small. As part of its efforts to preserve ethnic identities, the Ministry of Education now includes some Aboriginal-language classes in primary schools. Under 1998 legislation, the Ministry of Education subsidizes university education for Aborigines and works to preserve Aboriginal culture, history, and language through the establishment of Aboriginal studies centers.

Although they face no official discrimination, Aborigines have had little impact, over the years, on major decisions affecting their lands, culture, traditions, and the allocation of their natural resources. In addition they complain that they are prevented from owning ancestral lands in mountain areas under the authorities' control, some of which have been designated as national parks or conservation areas. Land rights remain a crucial issue for Aborigines, along with social discrimination,

educational underachievement, low economic status, and high rates of alcoholism. Some Aboriginal leaders have come to believe that only some form of autonomy can preserve their land rights, which constantly are threatened by Chinese developers who use connections and corruption to gain title to Aboriginal land. According to MOI statistics, only about 50 percent of Aborigine children complete elementary school. In the past, Aborigines were not allowed to use non-Chinese personal names on legal documents, but this rule was changed by legislation in 1996.

The sale of Aboriginal girls into prostitution by their parents also is a problem (see Sections 6.c. and 6.f.).

Section 6. Worker Rights

a. The Right of Association.—Although the JY ruled in 1995 that the right to organize trade unions is protected by the Constitution, legislation implementing this decision has not passed; teachers, civil servants, and defense industry workers still are not permitted to form labor unions. Even with this ruling, a number of laws and regulations limit the right of association. Labor unions may draw up their own rules and constitutions, but they must submit these to the authorities for review. Unions may be dissolved if they do not meet certification requirements or if their activities disturb public order. However, there were no instances of the authorities dissolving local labor groups or denying new unions certification.

The Labor Union Law requires that union leaders be elected regularly by secret ballot, and, in recent years, workers have sometimes rejected ruling party or management-endorsed union slates. Under the new administration there has been no reported political interference in union affairs. Unions may form confederations, but no administrative district, including a city, county, or province, can have competing labor confederations.

Under the previous administration the Council of Labor Affairs (CLA) recognized one island-wide labor federation, the KMT-associated Chinese Federation of Labor. The DPP administration significantly eased restrictions on the right of association by recognizing three new island-wide labor federations. In May the CLA recognized the Taiwan Confederation of Trade Unions (previously known as the National Federation of Industrial Unions). The Chinese Labor Unions Federation and the National Trade Union Confederation were established in July and August respectively. Nonetheless the percentage of workers who are labor union members has not increased in recent years due to the extremely low unemployment rate, higher wages, the shift from manufacturing to service industries, the small scale and poor organization of most unions, and past prosecution of labor activists by the authorities. As of March, some 2.9 million workers, approximately 30 percent of the 9.7 million-person labor force, belonged to 3,785 registered labor unions.

The law governing labor disputes recognizes the right of unions to strike but imposes restrictions that make legal strikes difficult and seriously weaken collective bargaining. For example the authorities require mediation of labor/management disputes when they deem the disputes to be sufficiently serious or to involve "unfair practices." The law forbids both labor and management from disrupting the "working order" when either mediation or arbitration is in progress. The law mandates stiff penalties for violations of no-strike and no-retaliation clauses. Employers in the past sometimes ignored the law and dismissed or locked out workers without any legal action being taken against them, although no such cases were reported during the year. The CLA reported that from 1990-99, there were 34 strikes, of which 23 involved workers at bus companies seeking increased pay and reduced hours. Strikes threatened in late 1999 and in August by airport employees did not materialize because workers obtained satisfactory concessions from management. There were no strikes in 1999 and three strikes in 1998.

In 1971 the People's Republic of China replaced Taiwan in the International Labor Organization. The CFL is affiliated with the International Confederation of Free Trade Unions. The new federations are not internationally affiliated.

b. The Right to Organize and Bargain Collectively.—Except for the categories of workers noted in Section 6.a., the Labor Union Law and the Settlement of Labor Disputes Law give workers the right to organize and bargain collectively.

Under the Labor Union Law, employers may not refuse employment to, dismiss, or otherwise unfairly treat workers because they are union members. However, in practice employers sometimes have dismissed union leaders without reasonable cause, or laid them off first during employee cutbacks, and observers point out that the law has no specific penalties for violations. Several union leaders of a container terminal company were laid off at the end of 1998 following a strike earlier in the year. According to the National Federation of Independent Trade Unionists, over 400 trade unionists and supporters have been fired since the labor movement began to expand after the 1987 lifting of martial law.

The Collective Agreements Law provides for collective bargaining but does not make it mandatory. Since such agreements are used only in large-scale enterprises, and less than 5 percent of enterprises fall into this category, the proportion of workers covered remains small. Employers set wages generally in accordance with market conditions.

Firms in export processing zones are subject to the same laws regarding treatment of labor unions as other firms and follow normal practices including collective bargaining agreements with their unions.

c. Prohibition of Forced or Compulsory Labor.—The Labor Standards Law prohibits forced or compulsory labor, and there were no reports of these practices, apart from forced prostitution (see Sections 5 and 6.f.). The law prohibits forced and bonded labor by children, and the authorities generally enforce this prohibition effectively. However, some parents of Aboriginal children sell them into prostitution, and the requirements of the law make prosecution difficult at times (see Section 5).

In 1999 nine women who were forced to work as “comfort women” (women who, during World War II, were forced to provide sex to soldiers of the Japanese Imperial Government) filed lawsuits in Japan seeking \$100,000 (NT\$3,000,000) and a formal apology from the Japanese Government. The case is before the courts.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Standards Law (LSL) prohibits forced and bonded child labor, and the authorities generally enforce this prohibition effectively, although the sale of Aboriginal children into prostitution remains a problem (see Sections 5 and 6.c.). To protect children from the worst forms of exploitation, the authorities have enacted a Child Welfare Law, Juvenile Welfare Law, and Child and Juvenile Sexual Transaction Prevention Act to protect children from debt bondage, prostitution, pornographic performances, and other illicit activities specified in ILO Convention 182. The LSL stipulates age 15, after compulsory education required by law ends, as the minimum age for employment. County and city labor bureaus enforce minimum age laws.

e. Acceptable Conditions of Work.—The LSL mandates labor standards. The law is not well enforced in areas such as overtime work and pay or retirement payments. A 1996 amendment extended the LSL to all salaried employees. By the end of 1999, the LSL covered 5.7 million of Taiwan's 6.6 million salaried workers. The CLA conducts publicity campaigns to increase public awareness of the law and has set up telephone hot lines to accept complaints of LSL violations.

The CLA did not increase the minimum monthly wage, which remained at \$505 (NT\$15,840). While sufficient in less expensive areas, this wage does not assure a decent standard of living for a worker and family in urban areas such as Taipei. However, the average manufacturing wage is more than double the legal minimum wage, and the average for service industry employees is even higher. In June the LY passed legislation to reduce working hours from 48 hours per week to 84 hours in 2 weeks. In 1998 the public sector adopted a new system providing for a 5-day workweek every other week. According to a CLA survey, about one-third of private enterprises also have adopted that system.

Because of an acute labor shortage (the unemployment rate remained at 2.7 percent in 1999), there has been a legal influx of foreign workers in the last several years. The law stipulates that foreign workers who are employed legally receive the same protection as local workers. However, in 1998 foreign domestic workers were exempted from the LSL, denying them the right to safeguards provided to citizens. Moreover authorities say that in many cases illegal foreign workers, many from Thailand and the Philippines, receive board and lodging from their employers, but no medical coverage, accident insurance, or other benefits enjoyed by citizens. Illegal foreign workers also are vulnerable to employer exploitation in the form of confiscation of passports, imposition of involuntary deductions from wages, and extension of working hours without overtime pay. In addition observers say that conditions in many small- and medium-sized factories that employ illegal foreign labor are dangerous, due to old and poorly maintained equipment. Observers have alleged that legal foreign workers are sometimes similarly exploited. The CLA has urged employers not to mistreat foreign workers, and employers are subject to the same penalties for mistreating foreign workers as for mistreating citizen workers. In November the CLA ended the practice of requiring foreign female workers to undergo pregnancy tests. In the past, those who tested positive were subject to immediate deportation. According to CLA statistics, there are 311,000 legal foreign workers, including approximately 140,000 workers from Thailand and 108,000 workers from the Philippines. In 1999 the CLA signed a labor agreement with Vietnam permitting its workers to obtain employment in Taiwan. The CLA has stated that its goal is to keep the number of foreign workers at the 300,000 level. In June the authorities placed an indefinite ban on the entry of new Philippine blue-collar workers, insisting that the ban was due to the high rate at which Philippine workers left their

jobs and the aggressive stance of the Philippine Representative Office in labor cases. The ban was lifted in December. Due to increased unemployment among blue-collar workers and Aborigines, the CLA announced on September 1 that it would reduce the foreign labor quota on major construction projects from 50 to 30 percent.

The 1991 revised Occupational Safety and Health Law (OSHL) extended coverage to include workers in agriculture, fishing, and forestry industries and appeared to strengthen penalties for safety violations. It nevertheless still provides only minimal standards for working conditions and health and safety precautions. The OSHL gives workers the right to remove themselves from dangerous work situations without jeopardy to continued employment.

The 1993 Labor Inspection Law was designed to strengthen the enforcement of labor standards and health and safety regulations. It increased the number of enterprises and types of safety factors to be inspected; gave inspectors quasi-judicial powers; required preexamination of dangerous working places such as naphtha-cracking plants, pesticide factories, and firecracker factories; and raised penalties for violations. Critics allege that the CLA does not effectively enforce workplace laws and regulations because it employs too few inspectors. During the year, 33 new inspectors were added resulting in 256 inspectors available for the approximately 300,000 enterprises covered by the OSHL. The inspection rate in 1999 was 8.2 percent, down slightly from 8.3 percent in 1998. The CLA maintains that it has strengthened its safety checks at workplaces with a greater risk of worker injury and is offering training programs to help workers protect their rights. Since many enterprises are small, family-owned operations employing relatives unlikely to report violations, actual adherence to the hours, wage, and safety sections of various labor laws is hard to document but is believed to be minimal in these smaller enterprises. The CLA has established hot lines to receive complaints about OSHL violations.

f. Trafficking in Persons.—There is no law specifically prohibiting trafficking; however, traffickers of persons for sexual purposes may be prosecuted under the Sexual Violation Offenses Act, which outlaws sexual transactions for profit. In addition in 1999 the LY enacted legislation which criminalized alien smuggling (see Section 2.d.). The 1995 Statute for Prevention of Child and Juvenile Sexual Trafficking empowers the authorities to prosecute any person who intends to force a girl below the age of 18 to engage in sex or to sell or pawn her by other means. Nonetheless there are occasional reports of organized crime rings trafficking in women for the purpose of forced prostitution. The majority of cases involve women from mainland China, Thailand, or Cambodia. Criminal gangs in mainland China reportedly use deceptive measures to recruit and procure young women who are then funneled to Taiwan-based organized crime gangs who arrange sham marriages to enable them to obtain visas to enter Taiwan. The women then are forced into prostitution. The extent of the problem is difficult to determine; there have been 50,000 marriages between persons from mainland China and Taiwan since 1992, but less than 1 percent are believed to involve the trafficking gangs. In September Cambodian police arrested two men from Taiwan for allegedly luring Cambodian women into fake marriages for purpose of trafficking them to Taiwan where they would be forced into prostitution. Observers have noted that light sentences for traffickers hamper police efforts to end this trade. Trafficking victims, if arrested for prostitution, also face light sentences, such as fines or deportation (see Sections 5 and 6.c.).

The sale of Aboriginal girls into prostitution by their parents also is a problem. However, this practice is believed to have declined, at least in part due to intensive efforts on the part of social workers and NGO's to combat the practice. The NPA also coordinated the formation of police task forces in local jurisdictions to investigate and prevent the sale of Aboriginal girls into prostitution. From the beginning of 1998 through April 1999, 46 Aboriginal girls were found to be engaged in prostitution.

Taiwan is a major transit point for persons from mainland China attempting to travel illegally to the United States and other countries. In 1999 the LY enacted the Entry, Exit, and Immigration Law, which provided for up to 3 years imprisonment and/or up to \$30,000 (NTS 1,000,000) fine for alien smuggling. Several cases have been brought before the courts under this new law.

EAST TIMOR

East Timor made significant progress in establishing its institutions of democracy and governance; however, during its first full year of independence from Indonesia, reconstruction and recovery from the September 1999 violence that ravaged the territory was a central focus of activity, and numerous problems remained. In a U.N.-

administered consultation vote on August 30, 1999, an overwhelming majority of East Timorese voted against autonomy (and, in effect, for independence from Indonesia), and in early September 1999, the U.N. Secretary General declared the ballot results to be "an accurate reflection of the will of the East Timorese people." As a result, in October 1999, the Government of Indonesia approved revocation of the 1978 Indonesian parliamentary decree that annexed East Timor, allowing for the establishment of the U.N. Transitional Administration in East Timor (UNTAET), which is mandated by the U.N. Security Council to establish a democratic government in East Timor.

UNTAET continued to govern East Timor, and the National Consultative Council (NCC) advised the Transitional Administrator. In July UNTAET established a new governing structure, the East Timor Transitional Administration (ETTA). With the addition in October of the Foreign Affairs portfolio, the ETTA cabinet consisted of nine ministries, four of which were headed by UNTAET officials and five of which were headed by East Timorese. UNTAET appointed members of the NCC and the cabinet in close consultation with the National Council of Timorese Resistance (CNRT), a political umbrella of proindependence parties. An UNTAET-appointed National Council (NC) replaced the NCC in late October. The NC is comprised entirely of East Timorese. In the latter part of the year, divisions within the CNRT complicated the political situation. Under UNTAET regulations, Indonesian law applies throughout East Timor, except in areas in which UNTAET specifically has repealed laws or superceded them with its own regulations.

In February the Australian-led International Force in East Timor (INTERFET), which arrived in September 1999, transferred military authority to UNTAET Peacekeeping Forces (UN-PKF). The UN-PKF's role was to restore and preserve basic social order and prevent violence by pro-Indonesia militias operating inside East Timor. The UN-PKF was present in the eastern and central sectors of the territory but maintained an especially strong presence on the border, where, despite repeated assurances from the Government of Indonesia, crossborder Indonesian-military-supported militia incursions from Indonesia continued. Despite such sporadic militia incursions, the security situation in most of East Timor was stable throughout the year. In mid-January INTERFET transferred responsibility for internal security to the U.N. Civilian Police (CIVPOL). In July the first group of 50 East Timorese cadets graduated from the Police Academy and began working alongside CIVPOL, augmented by a police assistance group comprised of East Timorese who formerly were part of the Indonesian police forces. The former East Timorese guerrilla forces, Falintil, remained in the Aileu cantonment area. By midyear more than half of the estimated 1,500 Falintil personnel had returned to their home areas on "leave," and a dissident commander known as "L-7" led a few dozen of his men out of the cantonment area in July. In August an UNTAET commissioned study recommended that Falintil become the core of a new East Timor Defense Force, and in September the ETTA cabinet approved the study's low-cost option for such a force. In the interim, the UN-PKF employed a number of Falintil personnel as advisors and guides. After an international donors conference in November, plans were underway to begin training a new defense force beginning in early 2001.

East Timor is an extremely poor territory, with two-thirds to three-fourths of the population of 775,000 persons engaged in subsistence agriculture. The Asian Development Bank estimated the per capita gross domestic product (GDP) to be approximately \$395. An estimated 70 to 80 percent of East Timor's infrastructure was damaged severely by the systematic scorched-earth campaign that Indonesian military and militia forces conducted in September 1999, as they withdrew from the territory. During the year, reconstruction proceeded slowly. By midyear the majority of the population had basic shelter and sufficient food supplies. Some commercial activity resumed, much of which served the large foreign presence in the territory. The rural agricultural economy began to recover, but unemployment remained high in the urban areas. Coffee remained the territory's only significant export, but falling world prices and a domestic export tax hindered its export. In October negotiations began with Australia over the revenue from the potentially lucrative Timor Gap oil and gas region, located in the waters between East Timor and Australia. However, the Timor Gap is not expected to be economically productive for 5 to 10 years. Property ownership disputes and the lack of a comprehensive commercial code hinder investment and related long-term development. Urban unemployment and wage and price inflation remain significant problems. Most observers believe that East Timor will remain heavily dependent on foreign assistance for the foreseeable future.

UNTAET generally respected the human rights of East Timorese. The arrival of the INTERFET forces and withdrawal of Indonesian forces in September 1999 largely brought to an end the decadeslong pattern of serious human rights abuses by In-

donesian authorities and their East Timorese allies; however, many serious problems remained. East Timorese Indonesia-backed militias based in West Timor, Indonesia, sometimes crossed into East Timor and threatened, robbed, attacked, and occasionally killed local villagers and peacekeeping forces. A U.N. peacekeeper was killed on July 24, and another was killed in August in clashes with militias inside East Timor. Six militia personnel were killed in clashes with the UN-PKF in the first 11 months of the year. There were isolated attacks and instances of harassment of returning refugees who were suspected of being former militia members, and CNRT-sponsored security groups sometimes were involved in such abuses. The vast majority of the prison population is composed of pretrial detainees, despite explicit protective regulations. On occasion the independence of the judiciary was questioned, and the judiciary's resources remained extremely inadequate. The CNRT benefited from its close relationship with UNTAET and at times allegedly misused its political influence for employment advantages. By November more than 170,000 internally displaced persons (IDP's) had returned to East Timor from West Timor and other areas of Indonesia, but many others remained in West Timor. By year's end, most children had returned to school, but the educational infrastructure, which had not been fully rebuilt, suffered from inadequate facilities and educational materials. There were occasional attacks on Protestant churches, which had been closely associated with the prointegration cause. Muslims were subjected to harassment, and the mosque in Dili was attacked. Ethnic Chinese businessmen faced some extortion and harassment, and non-Portuguese speakers reported discrimination in government hiring. Local leaders sometimes forced suspected militia members returning from West Timor, Indonesia, to engage in compulsory labor.

During the year, significant efforts were made to bring to justice those persons responsible for the most serious abuses committed during 1999. UNTAET established a Serious Crimes Investigation Unit (SCIU) to address the most recent and serious cases and concluded a memorandum of understanding with the Government of Indonesia on legal, judicial, and human rights cooperation. In October UNTAET issued an arrest warrant for a prominent militia leader and requested his extradition from Indonesia. On December 11, UNTAET filed indictments against those persons suspected of committing war crimes and related atrocities in 1999. The Indonesian Government had not responded formally by year's end.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killings.—The arrival of the INTERFET forces and withdrawal of Indonesian forces in September 1999, largely brought to an end the decades-long pattern of serious human rights abuses, including extrajudicial killings, by Indonesian security forces. INTERFET members committed no extrajudicial killings during the year. However, East Timorese pro-Indonesia militias based in West Timor, Indonesia, which were armed and supported by elements of the Indonesian armed forces, crossed into East Timor and threatened, robbed, attacked, and sometimes killed local villagers and peacekeeping forces during the year. In addition violence against East Timorese former militias returning from West Timor occasionally was a problem (see Section 1.c.).

During the year, there were reports that returning IDP's, alleged to have militia links, were killed. In January and February, two men were killed in Ermera district. While it is believed that these were retaliatory killings related to the two men's proautonomy sympathies, these two cases still were under investigation at year's end. In March militia members reportedly killed a villager near Maliana. In April Gabriel Alves, a suspected militia member, was beaten and kicked to death in Ulmera, Liquica. A suspect was arrested, but by year's end, no prosecutions had taken place.

On July 24, approximately eight militia members shot and killed New Zealand U.N. peacekeeper Private Leonard William Manning and mutilated his corpse, near Suai, East Timor, where Manning's unit was patrolling the East/West Timor border area. On August 10, East Timorese militia members killed Nepalese U.N. peacekeeper Private Devi Ram Jaisi and wounded four other persons (see Section 1.c.). By year's end, UNTAET and the Government of Indonesia had been unable to capture the militia suspects in these incidents.

UNTAET and the UN-PKF estimated that in September as many as 150 armed militia members were operating inside East Timor. However, in response to the killings of U.N. personnel, the UNPKF liberalized its rules of engagement to permit peacekeepers to shoot at militia members who are perceived to be a threat to the UN-PKF. As of November, peacekeepers had shot and killed six suspected militia members operating within East Timor. By year's end, more than a dozen pro-Indo-

nesia militia members, lacking support from the local population, had surrendered to the UN-PKF and UNTAET, and the UNPKF believes that most of the remaining militia members returned to West Timor.

Elements of the Indonesian security forces (TNI) and prointegration East Timorese militias, armed and largely supported by the TNI, were responsible for numerous extrajudicial killings in East Timor throughout 1999, but especially after the results (an overwhelming vote for independence) of the August 30, 1999 consultation vote were announced (see Section 1.c.). During the year, UNTAET made significant efforts to bring to justice those persons responsible for the most serious abuses committed during 1999. UNTAET established a Serious Crimes Investigation Unit to address the most recent and serious cases. In April UNTAET concluded a memorandum of understanding with the Government of Indonesia on legal, judicial, and human rights cooperation. In October UNTAET issued a warrant for the arrest of Eurico Guterres, a militia member who allegedly was involved in the 1999 mass violence in East Timor, and requested his extradition from Indonesia. At year's end, Guterres remained in Indonesia facing trial for causing a disturbance at a September 24 weapons handover ceremony presided over by Indonesian Vice President Soekarnoputri in Atambua, West Timor. He was being held on charges of illegal possession of weapons and instigating his followers to engage in illegal acts. On December 11, UNTAET filed indictments against those persons suspected of committing war crimes and related atrocities in 1999. The Indonesian Government (Attorney General's Office) had not taken a position or responded formally by year's end.

During the year, UNTAET provided considerable assistance to Indonesian authorities investigating the atrocities committed in East Timor during 1999. In Indonesia the Commission for Investigation of Violations of Human Rights in East Timor (KPPHAM) conveyed its report of human rights violations in East Timor to the Indonesia Attorney General's office on January 31. The report built upon an earlier interim report that held Indonesian security forces responsible for the destruction and violence that followed the East Timor consultation vote on August 30, 1999. The KPPHAM members recommended the investigation of more than 30 persons, including the commander of the security forces and other high-ranking TNI and police officers. The Indonesia Attorney General said that his office initially would prosecute five major cases arising from the 1999 violence in East Timor and for which pro-Indonesia militia groups backed by TNI forces allegedly were responsible. These cases included the April 6, 1999 massacre in Liquisa, in which at least 25 persons died; the April 17, 1999 killings at proindependence activist Manuel Carrascalao's house, in which at least 15 persons died; the September 5, 1999 attack on the compound of the Catholic Diocese in Dili; the September 6, 1999 massacre of at least 50 priests and IDPs at a church in Suai; and the September 21, 1999 killing of Dutch journalist Sander Thoenes. The cases did not include the September 26, 1999 attack on a humanitarian convoy near Los Palos by "Team Alfa" paramilitary personnel, in which Team Alfa members killed eight persons, including nuns and religious workers. The Indonesia Attorney General's office named a total of 23 suspects in September and October (one of whom, an East Timorese militia commander, militia members killed in early September). Those accused included several Indonesian army and police generals, but not then-Indonesian Armed Forces Commander General Wiranto, former Indonesian Armed Forces intelligence chief Zacky Anwar Makarim, or other senior members of the Indonesian military leadership who were named as responsible parties in the KPPHAM report. Progress on these cases was slow, and the number of suspects named small in comparison to the number of persons believed responsible.

There also were efforts to hold persons accountable for killings of suspected militia members in 1999. For example, four suspected militia members reportedly were murdered in Bobonaro town on September 29, 1999. A suspect was arrested during the year and investigation of this case was ongoing as of year's end.

During the year, the U.N. began investigating the 1975 murders of five journalists in East Timor (see Section 2.a.).

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

There were numerous reports of abductions and disappearances in East Timor following the flight and forced relocation of more than 250,000 East Timorese civilians in September 1999. In addition dozens of East Timorese prisoners, including political prisoners, previously held in Becora prison in Dili, reportedly were taken to West Timor in September 1999. By year's end, nongovernmental organizations (NGO's) had tracked down the vast majority of the former prisoners. Some had returned to East Timor, while others remained in West Timor.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—UNTAET regulations provide that all persons undertaking public duties or holding

public office shall observe internationally recognized human rights standards, as reflected in the U.N. Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment. In the early part of the year, there were isolated cases of local residents mistreating returning refugees who were suspected of being former militia members or militia sympathizers. Such mistreatment occasionally took the form of interrogations, stonings, beatings, and forced labor (see Section 6.c.). Irregular CNRT-sponsored security groups sometimes facilitated the abuse of such returning refugees, and CIVPOL and local UNTAET officials often permitted the CNRT security groups to screen returnees to determine if they had been associated with militias or Indonesian intelligence or had committed abuses. This screening usually occurred once the returnees had arrived back in their home areas. Those returnees that were suspected of having committed abuses sometimes were beaten during these sessions, at times severely. For example, in early February a CNRT investigation unit (which was questioning returnees about past militia affiliations) beat and stabbed a militia member in Liquica. However, the returning refugees generally were reintegrated without significant problems (see Section 2.d.).

Throughout the year, pro-Indonesia militias clandestinely entered East Timor from West Timor and threatened, robbed, and sometimes beat and killed local villagers (see Sections 1.a. and 2.d.).

Rivalries between members of the politically dominant CNRT and the small opposition group known as the Democratic Republic of East Timor (RDTL) occasionally led to intimidation and violence. Some members of the CNRT reportedly extorted protection money from businesses.

There were numerous acts of rape and sexual abuse that TNI-supported militia groups perpetrated against displaced East Timorese women in 1999, in addition to the widely reported rapes of women whom the Aitarak militia group kept as sex slaves in their Dili headquarters, also during 1999 (see Section 5). The Dili court indicted one militia member on a rape charge stemming from the September 1999 violence in Suai, and a Serious Crimes Investigation Unit (see Section 1.e.) special team established to address sexual violence was investigating numerous other rape cases. In 1999 the KPP stated that it received reports that the TNI and the militias raped 60 women in East Timor during the September 1999 wave of violence. Cases of East Timorese women whom Indonesian soldiers and civilian personnel allegedly raped in previous years remained unresolved.

Prison conditions meet the basic food, sanitation and health requirements of prisons.

UNTAET permits visits by independent human rights monitors to prisons.

d. Arbitrary Arrest, Detention, or Exile.—UNTAET regulations, which are based on the U.N. Convention on Civil and Political Rights, explicitly preclude arbitrary arrest and detention, and require a hearing within 48 hours of arrest to review the lawfulness of the arrest and detention. UNTAET regulations provide the right to a trial without undue delay.

Pretrial detention is allowed only for crimes carrying a sentence of over 1 year. In principle a judge must review pretrial detention every 30 days; however, in practice limited resources have hindered this review, and some persons remained in pretrial detention longer than stipulated. The maximum pretrial detention period is not to exceed 6 months for suspects who are charged with crimes carrying a sentence of 5 years or less. In the case of a suspect who is charged with a crime carrying a sentence of more than 5 years, a court panel may extend the pretrial detention for an additional 3 months. For crimes with a sentence of over 10 years, a court panel may order additional pretrial detention beyond 9 months. Upon the expiration of the maximum detention period, a judge may order the release of a detainee. Throughout the year, roughly half of all detainees were overdue for review of their pretrial detention. UNTAET's general policy is to keep the prison population as low as possible. Consistent with this approach, during the year 236 detainees were released on bail upon review; however, charges against them were not dropped, and their legal status was uncertain. Ninety-seven percent of the total prison population, or 158 persons, were pretrial detainees at year's end. Of the pretrial detainees, three-quarters were charged with murder, manslaughter, rape, or other violent crimes that carried a sentence of over 10 years.

In East Timor, arbitrary detention of persons suspected of proindependence sympathies by prointegration militia groups was a continuing problem in the months prior to and shortly after the September 1999 consultation. However, during the year, there were few reports that UNTAET officials arbitrarily detained persons. The one known exception occurred in September when a foreign reporter was arrested for "offending the dignity" of the CNRT president (see Sections 1.e. and 2.a.). There also were no confirmed reports of militia groups having committed such abuses in East Timor. While there were reports that Falintil members detained

some persons in their cantonment area at Aileu, it was not clear whether the detainees were in "protective custody" (some suspected militia members ended up in Aileu after being driven from their home areas) or held against their will.

e. Denial of Fair Public Trial.—UNTAET regulations—specifically the new Court Law—provide for the establishment of an independent judiciary in East Timor. Section two of the Court Law provides that judges perform their duties "independently and impartially" without "improper influence." Similarly the new Prosecution Law requires that all public prosecutors discharge their duties impartially. These regulations generally were respected during the year; however, the independence of the judiciary occasionally was questioned. For example, following disturbances in Dili in late April, a judge reportedly issued arrest warrants at the request of CNRT officials. In September the Dili District Court ordered the arrest of a Japanese reporter for "offending the dignity" of CNRT President Xanana Gusmao—a crime under the Indonesian Criminal Law Code that the East Timor courts still were using during the year, despite Indonesia's revocation of the law. The reporter later was released, and UNTAET subsequently revoked the Indonesian statute used in the case (see Sections 1.d. and 2.a.). In March UNTAET created a civil law court system with 13 district courts and 1 national Court of Appeal. In June UNTAET established a public prosecutor's office. However, by year's end, only the Dili District Court and Court of Appeals were functioning. By December ETTA had made progress in creating a legal basis for the justice sector, but it still faced serious challenges in recruiting and training enough qualified judges, prosecutors, and defense lawyers. The judiciary's shortage of personnel largely accounts for UNTAET's inability to process criminal cases against most detained suspects within a reasonable time (see Section 1.d.).

UNTAET established a special legal mechanism to prosecute those Indonesian and pro-Indonesian East Timorese persons responsible for the mass killings in 1999 and other serious human rights abuses. In March UNTAET established a special Serious Crimes Panel within the Dili District Court to serve as a de facto international tribunal for the 1999 atrocities. The special panel—which is expected to consist of two international judges and one East Timorese judge—has exclusive and "universal" jurisdiction to adjudicate cases of genocide, war crimes, crimes against humanity, murder, sexual offenses, and torture that occurred between January 1 and October 25, 1999. In June UNTAET created a corresponding Serious Crimes Prosecution Division under the General Prosecutor. This unit then incorporated an internationally staffed Serious Crimes Investigation and Prosecution Unit that originally was created during the early part of the year under the office of Human Rights Affairs. UNTAET also adopted international definitions of genocide, war crimes, crimes against humanity, torture, and command responsibility into a criminal code for the Serious Crimes Panel. On December 11, UNTAET filed the first indictments against Indonesian and pro-Indonesia suspects. Those persons indicted included both Indonesians and East Timorese; as of year's end, some suspects were in detention in Dili while others were at large in Indonesia. UNTAET requested assistance from the Government of Indonesia in extraditing identified suspects at large in Indonesia; however, by year's end, the Government of Indonesia had refused to extradite suspects to East Timor or to allow UNTAET investigators to question suspects in Indonesia.

The Transitional Authority's ability to employ fully this legal mechanism and to begin prosecutions by year's end was constrained severely by insufficient staff and funding and by procedural and organizational disputes within UNTAET. In particular, the UNTAET Serious Crimes Investigation Unit was understaffed and underfunded, limiting its ability to investigate the five priority incidents related to the 1999 atrocities.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—UNTAET allows for these rights, as provided by relevant U.N. human rights covenants. However, the CNRT receives material support and derives legitimacy from its close relations with UNTAET; other political entities do not enjoy such advantages (see Section 3). There were credible charges that the CNRT used its political position to influence the allocation of jobs in education, possibly including illegally adding names to payrolls.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—UNTAET regulations provide for the freedom of speech and press as stipulated in the U.N. International Covenant on Civil and Political Rights. There are two independent newspapers in the territory, published in several languages, whose editorials freely criticize UNTAET, the CNRT, and other political entities. One of the newspapers was founded during the year. While insufficient financial resources and facilities have constrained the development of

independent print and broadcast media, there are no political or legal impediments to new entries to the media market. In September a foreign reporter was arrested for "offending the dignity" of the CNRT president; he later was released (see Sections 1.d. and 1.e.). In Indonesia no one was held accountable for the September 1999 killing of Dutch journalist Sander Theones in Dili by assailants believed to have been members of the Indonesian Battalion 745. In September it was announced that the U.N. was investigating the October 1975 murders of five Australia-based journalists in East Timor (see Section 1.a.).

UNTAET operates one television and one radio station. The Catholic Church operates one radio station, and there are several small community radio stations that were founded during the year.

Although the telecommunications infrastructure largely is underdeveloped, there are no legal or administrative restrictions on Internet access.

UNTAET respects academic freedom. The University of East Timor reopened in a new location in November after the university's previous facilities were destroyed in September 1999.

b. Freedom of Peaceful Assembly and Association.—UNTAET allows for freedom of assembly, and this right exists in practice. Many peaceful demonstrations occurred throughout the year. Most demonstrations centered on complaints over allocation of jobs, salaries, severance pay issues, and admission of students to the university.

UNTAET allows for the freedom of association, and strongly advocates for the freedom of political parties (see Section 3). Many NGO's were established during the year (see Section 4).

c. Freedom of Religion.—UNTAET regulations provide for freedom of religion. Representatives of the Roman Catholic Church, Protestant churches, and the Islamic community, occupy appointed seats on the National Council. More than 90 percent of the population of East Timor is Roman Catholic. The relatively few Protestant churches in East Timor previously were identified with the Indonesian military forces and pro-Indonesia East Timorese. Accusations that Protestant clergymen were linked to pro-Indonesia East Timorese militias sometimes led to violent incidents. East Timor's small Muslim community consists of ethnic East Timorese as well as ethnic Malay migrants from other parts of Indonesia. The former group was well-integrated into East Timorese society, but the latter group experienced some harassment. Some Muslim groups at times were victims of harassment, and in December gangs attacked the main mosque in Dili. Local gangs attacked the main mosque in Dili on December 31, injuring three persons in the mosque. The mosque members' resistance to the gang's demand for a car apparently precipitated the violence. There were no arrests in cases related to religious violence or attacks against churches and mosques (see Section 5). UNTAET's ability to respond to such attacks was hindered by insufficient prison space and judicial resources (see Sections 1.c. and 1.e.).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—UNTAET respects the rights of freedom of movement, foreign travel, emigration, and repatriation.

Throughout the year, pro-Indonesia militias entered East Timor from West Timor and attacked, threatened, and sometimes killed local villagers (see Sections 1.a. and 1.c.). The fear of such violence sometimes led East Timorese residents to abandon their villages temporarily. For example, in August militia members who penetrated East Timor as far as the Manufahi district, in the central sector, caused more than 1,000 local residents to flee their villages for fear of militia attacks.

During the year, UNTAET worked closely with the U.N. High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to provide for the repatriation of IDP's from West Timor to East Timor, including the provision of transportation, shelter, and food. Working in cooperation with NGO's, UNTAET, the IOM, and the UNHCR have resettled in East Timor an estimated 170,000 of the approximately 250,000 former residents who fled, or whom pro-Indonesia militia removed forcibly to West Timor and elsewhere, in September 1999.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

In January 1999, the Government of Indonesia announced its willingness to consider broad-based autonomy or independence for East Timor, paving the way for a U.N.-sponsored agreement concluded between Indonesia and Portugal in May of that year. The agreement provided for the holding of a popular consultation on the issue of East Timorese independence, under the supervision of the U.N. Following

the agreement, the U.N. Mission in East Timor (UNAMET) was established in order to oversee the preparatory arrangements leading to, and implementation of, the referendum. After three postponements due to a fragile security situation, the referendum was held on August 30, 1999. Indonesian armed forces-backed militia groups attempted, through numerous killings, attacks, rapes, and other abuses to intimidate the East Timorese population into voting for autonomy (and, in effect, against independence), or to prevent them from voting at all; nevertheless, some 98 percent of registered voters cast their ballots, and 78.5 percent of the voters opposed the autonomy proposal. In early September 1999, the U.N. Secretary General declared that the ballot results were "an accurate reflection of the views of the East Timorese people." However, in the period after the announcement of the results, incidents of mass killing, violence, and destruction were reported widely throughout the province (see Sections 1.a., 1.c., 2.d., 4, and 5). Indonesian security forces allowed armed militia groups that opposed independence for East Timor to intimidate and kill at will, and the Indonesian military and prointegration militias allegedly systematically forced the relocation of East Timorese refugees into West Timor, Indonesia, partly in order to undermine the legitimacy of the U.N. consultation. However, in October 1999, the Indonesian Parliament approved revocation of the 1978 parliamentary decree that annexed East Timor, allowing for the establishment of UNTAET. In late October 1999, UNTAET became responsible for maintaining a police and military apparatus in East Timor.

UNTAET is mandated by the U.N. Security Council to establish a democratic government in East Timor. During the early part of the year, UNTAET governed East Timor, and the NCC advised the Transitional Administrator. The National Consultative Council consisted of 15 members, including 4 UNTAET officials, 7 representatives of the CNRT, 3 representatives of pro-Indonesia political groups, and 1 representative of the Roman Catholic Church. In July UNTAET established a new governing structure, the East Timor Transitional Administration. The ETTA cabinet consists of nine ministries after the addition in October of a Ministry of Foreign Affairs. UNTAET officials head the ministries of Internal Security; Justice; Political, Constitutional and Electoral Affairs; and Finance. East Timorese head the ministries of: Internal Administration; Infrastructure; Economic Affairs; Foreign Affairs; and Social Affairs. UNTAET appointed members of the NCC and the cabinet in close consultation with the CNRT, a political umbrella of proindependence parties, which functioned as the main East Timorese political interlocutor for UNTAET.

UNTAET responded positively to initial East Timorese criticism that it failed to integrate the views of East Timorese and their representatives sufficiently. An UNTAET-appointed 36-member National Council replaced the NCC in late October. The NC, a body of representatives appointed by UNTAET, also in close consultation with the CNRT, is responsible for exercising important policy decisions concerning East Timor's transition process. The NC is comprised entirely of East Timorese, representing the 13 districts, the CNRT, other political groups, and a variety of NGO, youth, and religious groups. In the latter part of the year, disagreement within the CNRT complicated the political situation. Following the CNRT Congress in August, the leaders of the two largest pre-Indonesian era parties, Fretilin and the Timorese Democratic Union (UDT), broke relations with the CNRT leadership and refused to participate in the CNRT-successor organization, the CNRT/National Congress.

In December in his capacity as President of the CNRT, Xanana Gusmao presented to the NC a proposed timeline for the process leading to the election of a constituent assembly, the drafting and adoption of a constitution, and eventual independence. By year's end, UNTAET, the CNRT, and the NC, were overseeing the promulgation of East Timor's first constitution and subsequent government.

Under UNTAET regulations, Indonesian law applies throughout East Timor except in areas where UNTAET specifically has repealed laws or superceded them with its own regulations.

UNTAET advocates the freedom of political parties and adheres to the U.N. International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. However, the CNRT receives material support and derives legitimacy from its close relations with UNTAET; other parties do not enjoy the same advantages. During the year, there were credible charges that the CNRT used its political position to influence the allocation of jobs (see Section 1.f.).

UNTAET and the CNRT have made significant efforts to include women in appointed political bodies, and there are 13 women on the National Council; however, women remain underrepresented in the government and politics, especially at top leadership levels.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions on the right of persons to form NGO's. Numerous NGO's were established during the year, devoted to a wide variety of civil society issues.

UNTAET adheres to the Universal Declaration on Human Rights, and actively has promoted investigation of human rights abuses occurring in East Timor. On October 15, 1999, the U.N. High Commissioner for Human Rights appointed the International Commission of Inquiry on East Timor (ICIET), which issued a report in January that made several recommendations, including that an international tribunal be established to prosecute those responsible for the mass abuses. UNTAET facilitated visits to East Timor of members of the KPP-HAM (see Section 1.a.). Within UNTAET itself there is a Human Rights Unit and a Serious Crimes Investigation Unit to investigate past human rights violations and to bring the perpetrators of past abuses to justice (see Section 1.e.). UNTAET also has engaged a special rapporteur to produce a comprehensive report on human rights abuses in East Timor since 1975. Nevertheless, resource constraints as well as procedural and organizational disputes within UNTAET have hampered progress on these investigations (see Section 1.e.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

UNTAET regulations prohibit all forms of discrimination. Nonetheless, violence against women is a problem, as is discrimination against women and religious and ethnic minorities.

Women.—Domestic violence against women is a significant problem in East Timor. It is alleged widely that TNI-backed militias raped numerous women during the September 1999 violence in East Timor, and kept many as sex slaves (see Section 1.c.). Kirsty Sword Gusmao, wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November that 33 pregnant East Timorese women returned to East Timor and claimed that they had been abducted and forced to serve as sex slaves for the TNI in West Timor, Indonesia. Rape is a punishable offense, as specified by Indonesian law. Few cases of rape have been prosecuted in the courts, although there was one indictment and numerous charges during the year (see Section 1.c.). The NGO FOKUPERS offers some assistance to women who have been victims of violence.

Customary practices in East Timor discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property. More importantly women's groups are concerned that the CNRT is encouraging women to resolve rape and domestic violence cases through traditional rules, which usually provide only for compensation to be paid to the victim. UNTAET regulations implement the U.N. Convention on the Elimination of All Forms of Discrimination Against Women; however, discrimination complaints were not a priority during the year, and no cases are known to have been reported.

There were no reports of gender-based employment discrimination during the year. Women usually deferred to men when job opportunities arose at the village levels.

East Timor Women against Violence (ETWAVE) is an East Timorese human rights NGO that advocates on behalf of women. FOKUPERS, a women's organization, has set up a women's and children's shelter for victims of domestic violence and incest.

Children.—Primary education is compulsory and free; however, while the majority of children returned to school during the year after having fled their villages during the 1999 violence, a shortage of schools and educational materials still remained at year's end. The government is rebuilding and replacing the educational infrastructure destroyed by the Indonesian military and proIndonesia militias in September 1999. The government heavily relies on international aid in its efforts to rebuild educational infrastructure. The government has coordinated widespread inoculation programs and provided free medical care in many areas of the territory.

People with Disabilities.—There are no reports of discrimination against disabled persons in employment, in education, or in the provision of other government services. However, UNTAET has not enacted legislation or otherwise mandated a provision of accessibility to buildings for the disabled.

Religious Minorities.—There were isolated instances of communal and sectarian violence during the year, although such incidents also have strong political and cultural undertones. Local, presumably Roman Catholic, residents attacked Protestant churches in East Timor, which had been associated closely with the pro-Indonesia cause, and Roman Catholics often accused Protestant clergymen of being linked to

pro-Indonesia East Timorese militias. In June villagers burned three Protestant churches in Aileu district after a dispute between Catholic and Protestant youths.

East Timor's small Muslim community consists of ethnic Timorese and ethnic Malay migrants from Indonesia. Ethnic East Timorese Muslims generally are wellintegrated into society, but ethnic Malay East Timorese Muslims are not integrated very well and experienced some societal harassment during the year. In the early months of the year, a group of approximately 250 ethnic Malay Muslims residing at the mosque compound in Dili were harassed by local youth gangs who were throwing stones at the mosque and surrounding structures. Such harassment appeared to have abated during the latter part of the year; however, on December 31, local gangs attacked the main mosque in Dili, injuring three persons. The mosque members' resistance to the gang

There were numerous international media reports that in 1999 over 40 East Timorese children were flown from refugee camps in West Timor, Indonesia, for the domestic sex trade.

FIJI

Until May 19, the country was governed by a democratically elected Government; however, on that date, following a protest march against Indo-Fijian Prime Minister Mahendra Chaudhry's Government, armed indigenous Fijian supremacists led by George Speight, with the support of a number of rebel soldiers and hundreds of civilians, seized Parliament and took Chaudhry hostage along with several Members of Parliament. On May 29, President Ratu Mara was ousted in a nonviolent coup led by the military forces. Military commander Frank Bainimarama appointed himself Head of State, attempted to abrogate the Constitution, declared martial law, and began to rule by decree. After the May 19 takeover of Parliament, violent incidents occurred in many parts of the country. Roads were barricaded, public and private property was seized by rebel sympathizers, troops on Vanua Levu mutinied, Indo-Fijian settlements were terrorized by Ethnic Fijians, and IndoFijian businesses were looted and burned. In July a military-backed civilian interim administration was installed after lengthy negotiations between the military regime and the rebels, and a meeting of the ethnic Fijian Great Council of Chiefs. In late July, the military-backed civilian interim administration arrested the rebel leadership, charged the leaders with treason, and began to assert control over the country. A Constitutional Review Commission (CRC) was endorsed by the Great Council of Chiefs in September and was asked to draft a new constitution. However, the CRC suspended its work in December following a High Court ruling that the CRC had no legal standing. In November the High Court ruled that the 1997 Constitution remained in force. The interim administration appealed this decision and requested a stay of the High Court's ruling. The Court of Appeal denied the request. The full Court of Appeal is scheduled to hear the appeal in February 2001.

The 1997 Constitution was designed to promote greater political stability. Ethnicity remains a dominant factor in Fijian life and affects the country's politics, economy, and society. The population is a multiracial, multicultural mix, with indigenous Fijians comprising 51 percent, Indo-Fijians (descendents of immigrants from the Indian subcontinent) approximately 42 percent, and Asians, Caucasians, and other Pacific Islanders making up the rest of the population of more than 775,000 persons. The ethnic division is illustrated by the contrast between the private and public sectors; IndoFijian families largely control most private businesses, while indigenous Fijians largely head the government ministries and the military forces. Prior to the May takeover of Parliament, the judiciary was independent; however, with the purported abrogation of the Constitution and other events, including the abolition of the Supreme Court, the status of the judiciary is uncertain.

Until the military coup in late May, the Fiji Military Forces (FMF), a small professional force, came under the authority of the Ministry for Home Affairs, as did the police. The Fiji Intelligence Service was dissolved by the Cabinet in 1999, but its functions were absorbed by the Police Special Branch and by a new analytical unit that was established in the Ministry of Home Affairs. Police and military forces committed human rights abuses.

Sugar and tourism are the mainstays of the economy, accounting for more than half of foreign exchange earnings. Investment is depressed due to continuing concerns over the resolution of land lease issues and political upheaval. Economic growth of approximately 7 percent was achieved in 1999 due to record numbers of tourists and a large sugar crop following 2 years of droughts and floods. However, the economy has suffered significantly as a result of the political turmoil. Targeted sanctions were imposed on the country by a number of states, and the key garment, sugar, and tourism sectors were affected adversely. Tourism remained depressed at year's end. The gross domestic product (GDP) has declined by an estimated 10 percent since 1999. Skilled workers and professionals have departed the country in large numbers. Health and education services in particular were affected.

The Government's human rights record deteriorated during the year and is generally poor. With the ouster of a democratically elected Government, the purported abrogation of the Constitution in May, and the installation of a military-backed civilian interim administration in July, citizens lost the right peacefully to change their government. The Constitution contains provisions that reduce previous factors that abridged the right of citizens to change their government. However, it also maintained a partially ethnically based electoral system. A major human rights

problem remains ethnically based discrimination. A number of government policies, including hiring practices, education policies, and land tenure preferences continue to provide protection for indigenous Fijian interests. Other human rights problems include several political and extrajudicial killings; occasional police and military abuse of detainees and suspects; informal and formal constraints on the freedom of speech and the press and selfcensorship; restrictions on freedom of assembly and movement; violence and discrimination against women; instances of abuse of children; racial discrimination and violence; reports of forced labor; and trafficking in persons.

Ethnically motivated societal violence led to abuses, including looting and destruction of property.

Rebel forces committed abuses, including killings and beatings.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—At least 16 persons died as a result of political turmoil arising from the takeover of Parliament on May 19 and culminating in the mutiny in Queen Elizabeth barracks on November 2 (see Section 1.c., 3, and 5). Throughout this period, a number of rebel supporters reportedly were beaten in detention, and five rebel soldiers implicated in the November 2 mutiny were beaten to death (see Section 1.c.). Two of the five rebels were not directly involved in the attack on the barracks, but were arrested elsewhere and subsequently killed. By year's end, no disciplinary action had been taken against the soldiers involved in these incidents.

In July in Naboro prison, security officers killed one prisoner in quelling a violent uprising (see Section 1.c.).

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading.—Treatment or Punishment

Police and military personnel sometimes abuse detainees and suspects; the authorities have punished some of the offending officers, but these punishments have not deterred all police abuses. There were a number of reports that military and police authorities used excessive force when apprehending and interrogating suspects, and there continued to be incidents of abuse of persons after they were released on bail. The Police Department's Internal Affairs Unit is required to investigate complaints of police brutality. The law permits corporal punishment as a penalty for criminal acts but this provision seldom is invoked by the courts.

On July 26, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, and charged them with treason (see Section 1.d.). Two to three dozen rebels reportedly were injured while resisting arrest by the military forces; one reportedly was shot and injured. In early September, Varinava Tiko, a cousin of George Speight and the rebel who led the takeover of Korovou town, was admitted to a hospital after being interrogated by the military forces. He reportedly suffered a broken jaw and broken ribs. In August the Chief Magistrate stated publicly that he was concerned that military and prison officials abused rebel leader George Speight and his supporters following their arrests in July. At their first court appearance, a number of rebels bore visible signs of beatings.

Concerns were raised regarding the police investigation of the takeover of Parliament in May. The Police Commissioner was placed on leave and subjected to a closed disciplinary hearing before the Chief Justice regarding alleged negligence and other misdeeds with respect to the May 19 rebel takeover of Parliament. He was reinstated after the review found that a number of accusations were unsubstantiated. A number of nongovernmental organizations (NGO's) continued to express concerns about the Commissioner's alleged behavior during the takeover of Parliament and subsequent events as well as the manner in which he was "cleared" of any wrongdoing by the Chief Justice.

In early July, Speight supporters burned and looted shops in Levuka. Also in July, the 50 Indo-Fijian families in a settlement at Tailevu reportedly were robbed and beaten by ethnic Fijians. Livestock, vehicles, and household items were stolen (see Section 5).

On November 2, members of the Special Forces First Meridian Squadron (also known as the Counter Revolutionary Warfare Unit) mutinied at the Queen Elizabeth barracks in Suva. Approximately 50 soldiers reportedly participated in the mutiny, and at least 8 soldiers were killed, 5 of them due to beatings in custody. Two of the rebel soldiers killed or wounded were not at the barracks when the mutiny occurred. By year's end, no disciplinary action had been taken against the soldiers involved in the beating deaths of the mutineers. By year's end, over 30 rebel First Meridian Squadron members were detained. International observers have not been

granted access to the detained rebel soldiers, and family members have been granted only restricted access to them, after an initial period of being denied access (see Section 1.d.).

Soon after the November mutiny, a relative of former Prime Minister Sitiveni Rabuka was forcibly taken from his car and beaten by soldiers. The victim was a member of the Fiji Military Forces and was suspected of having been part of the mutiny.

On December 15, while free on bail, one of the rebels involved in the May takeover of Parliament was beaten severely and threatened with death by several soldiers. He suffered a broken arm and three broken ribs as a result of the attack. The military forces admitted to having detained the rebel briefly for spreading false rumors that had the potential to destabilize the country. By year's end, no disciplinary action had been taken against the soldiers involved in the incident.

Former Prime Minister Chaudhry stated that he and his son were assaulted while being held hostage in Parliament by George Speight and his supporters. Chaudhry also stated that his life was threatened while he was held hostage.

After the May 19 takeover of Parliament and subsequent military takeover, unrest developed in many parts of the country (see Sections 1.a., 3, and 5). Much of the violence was directed at Indo-Fijian settlements; many such settlements, especially in rural areas, were terrorized (see Section 5). Some Indo-Fijian residents in the Muaniveni area reported that they went to the nearest police station to report the attacks, only to find that some of the police officers assisted the attackers. Indo-Fijian businesses also were looted and burned by mobs made up mainly of ethnic Fijians. On June 16, the home of the Permanent Secretary for Fijian Affairs was subjected to an attempted firebombing by unknown persons; the Permanent Secretary is the brother of Commander Frank Bainimarama. On July 11, supporters of George Speight seized the police station in Labasa on Vanua Levu; five police officers reportedly were beaten. The same day, the airport in Lomaloma in the Lau islands was occupied by supporters of George Speight. Following the July 26 arrest of George Speight, two foreign pilots were held hostage briefly when their airplane was seized at the Savusavu airport on Vanua Levu. In June and July, several resorts were taken over and some foreign tourists were held hostage. On July 11, 45 resort guests were released; they had been held at the Turtle Bay resort after it was taken over by persons claiming indigenous rights to the land.

There were reports of arbitrary arrests of persons by civil and military authorities, followed by beatings and release in remote places.

Prison conditions do not meet minimum international standards, and conditions are extremely harsh, particularly at Suva and Naboro prisons. Food and sanitation in prisons are limited. The Government established a separate detention center on Nukulau island outside of Suva to hold George Speight and a number of his supporters, all of whom were charged with treason.

A number of prison disturbances (some politically motivated) and escapes occurred during the year. In one incident in July at Naboro prison, 20 prison officials were held hostage by inmates. The Prison Department's Special Response Unit, reportedly with the aid of military forces, quelled the uprising, but 1 prisoner was killed by security officers, 15 were injured, and 9 prisoners escaped (see Section 1.a.). Many of the injured prisoners were hospitalized with serious wounds; some officers also were injured in the incident. Concerns exist that rules requiring the use of "appropriate force" to subdue prisoners were ignored.

The Government permits visits to prisons, other than restricted Nukulau Island, by church groups, family members, and the Fiji Red Cross; however, the military-backed civilian interim administration has been less willing to allow the Fiji Red Cross access to prisoners since the November 2 mutiny (see Sections 1.a.). The International Committee of the Red Cross (ICRC), which established a permanent office in the country during the year, has been denied access to prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Law of Arrest and Detention provides that a person may be arrested only if police believe that a criminal law has been broken or is about to be broken; however, there were instances of arbitrary arrest and detention. Arrested persons must be brought before a court without "undue delay." This requirement normally is taken to mean within 24 hours, with 48 hours as the exception (such as when an arrest is made during a weekend). Under the Emergency Powers Decree presently in force, the police and military forces may detain individuals for up to 7 days before charges are brought. Rules governing detention are designed to ensure that suspects are questioned fairly. Detainees have the right to a judicial review of the grounds of their arrest; in urgent cases, detainees may apply to a judge at any time, whether he is sitting or not. Incommunicado and arbitrary detention, both illegal, occasionally occur.

There were reports of arbitrary arrests and beatings during the year (see Section 1.d.). The military forces periodically "release," then immediately rearrest, persons in order to remain in nominal compliance with the Emergency Powers Decree.

On July 26, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, and charged them with treason. Hundreds of rebel supporters were arrested, charged with various offenses, but released. Treason charges also were dropped against four persons associated with the May 19 takeover of Parliament (see Section 1.e.). Several persons who reportedly were involved, including a number of chiefs, were not charged. Nine persons who were charged with treason remain under detention on Nukulau Island.

The head of the Fiji Trade Union Congress, Diwan Shankar, was detained briefly by soldiers in June while traveling in the western part of the country (see Section 6.a.). He was not charged with any crime.

In July hundreds of IndoFijians temporarily were held hostage by ethnic Fijians on Vanua Levu (see Section 5).

In September the National Fire Authority Administrator was detained briefly but not charged by the military forces after holding a union meeting.

Family members and international NGO's questioned the lengthy detainment without charge of persons allegedly involved in the November 2 mutiny. More than 30 soldiers of the First Meridian Squadron remained in detention while their investigations continued at year's end. Access to these detainees by the ICRC is prohibited (see Section 1.c.). Family access is severely restricted, and the detainees have been moved repeatedly for security reasons.

Exile is not practiced.

e. Denial of Fair Public Trial.—The 1997 Constitution provided for an independent judiciary, and prior to the takeover of Parliament in May, the judiciary was independent; however, with the putative abrogation of the Constitution and subsequent events, including the abolition of the Supreme Court, the status of the judiciary is uncertain. The Supreme Court was abolished by decree. The independence of the High Court, in particular that of the Chief Justice, was questioned following the participation of the Chief Justice in the drafting of a number of the decrees issued by the military-backed civilian interim administration. One of the decrees extended the time in office of the Chief Justice. The Chief Justice also was criticized for his role in "interfering" in a case brought by the deposed Chaudhry Government in Lautoka and for deciding to exclude the public and media from hearings regarding the conduct of the Police Commissioner. In October the Lautoka court rebuked the Chief Justice for attempting to move a case in which he was one of the accused to Suva and for attempting to select a judge to hear the case. A number of judges resigned. Fiji's Law Society met on several occasions and issued a number of critical statements regarding the status of the judiciary.

The judicial structure is patterned on the British system. The principal courts are the magistrate courts, the High Court, the Court of Appeal, and the Supreme Court. However, in late May the Supreme Court was abolished by decree; the Court of Appeal, the High Court, and the magistrate courts continued to function.

There are no special courts; military courts try members of the armed forces. Magistrate courts continue to try the large majority of cases. In addition to its jurisdiction in serious civil and criminal cases, the High Court is granted special interest jurisdiction on behalf of the public and is empowered to review alleged violations of individual rights in addition to its jurisdiction in serious civil and criminal cases.

Defendants have the right to a public trial and to counsel. Trials in the High Court provide for the presence of assessors (citizens randomly selected to represent the community); cases in magistrate court do not. In litigation involving lesser complaints, a public legal advisor assists indigent persons in domestic or family law cases. The right of appeal exists but continues to be hampered by delays in the appeals process. Bail is granted freely, and most defendants do not experience pretrial detention. There is no provision for bail for the charge of treason.

The Muanikau Accord between the rebels and the military regime, which led to the release of the hostages taken at Parliament in May, included an immunity decree for the rebels covering unspecified "political crimes" (see Section 3). However, on July 26, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, and charged them with treason. In early October, the High Court ruled that the immunity decree did not apply to one rebel leader, who is accused of shooting two police officers and a foreign journalist. It is unclear whether other rebel leaders likewise may be found not to be immune from prosecution. In October the military-backed civilian interim administration stated its intention to prosecute those involved in the May 19 takeover of Parliament. However, treason charges against eight soldiers involved in the takeover of Parliament were dropped on October 11. A number of the soldiers released after treason charges

were dropped on October 11 were involved in the November 2 mutiny. Five rebels were beaten to death following the mutiny (see Sections 1.a. and 1.c.). Four others, including the former chief of the Fiji Intelligence Service, had their treason charges dismissed and were released in December. The soldiers who were not released reportedly are to be tried under military law.

The law sometimes treats women differently from men. In some instances, there is a presumption of reduced competence and thus reduced responsibility for women. For example, only women can be charged with infanticide (if a man kills an infant the act is treated as murder, a more serious charge). A female defendant in an infanticide case is presumed to have diminished mental capacity, and sentences are reduced or suspended accordingly.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—In general the Government respects the privacy of the home; however, the Home Affairs Ministry has powers, within specific operational guidelines, to search persons and property, access private financial records, and monitor mail and telephones when a warrant is issued by the National Security Council. The military forces and police have similar capabilities. The Home Affairs Ministry conducts surveillance of persons whom it believes represent a security threat.

A military curfew initially imposed countrywide in May ended in the capital in December. An all-day curfew was imposed briefly in Suva after the mutiny by rebel soldiers on November 2; it ended on November 4. Military checkpoints continue to be manned countrywide and impromptu checkpoints occasionally are erected. All curfews had been lifted by year's end, and special passes for travel after curfew are no longer required (see Section 2.d.).

Section 2. Respect for Civil Liberties, Including

a. Freedom of Speech and Press.—Freedom of speech generally is respected; however, there were both informal and formal governmental constraints on freedom of speech and press. The Chaudhry Government was criticized for attempts to regulate the independent media, and there were credible reports of attempts by individual members of the Chaudhry Government and the military-backed interim civilian administration to pressure editors or otherwise interfere with the press. The former editor of the Fiji Times was denied a renewal of his work permit in April by the Chaudhry Government. One foreign television crew was prevented from transmitting a news story following the May 19 takeover of Parliament because of allegations that it altered certain photos. After the assumption of power by the military-backed civilian interim administration in July, a number of steps were taken to limit citizens' ability to speak publicly or privately about issues such as human rights and democracy; meetings and protests concerning such topics were canceled and otherwise limited by the authorities (see Section 2.b.).

Political figures and private citizens can and do speak out against the Government. However, the Public Order Act and other laws prohibit actions that are likely to incite racial antagonism.

Legislation pertaining to the press is contained in the Newspaper Registration Act and the Press Correction Act. Under the Newspaper Registration Act, all newspapers must be registered with the Government before they can publish. The Press Correction Act gives the Minister of Information sole discretionary power to order a newspaper to publish a "correcting statement" if, in the Minister's view, a false or distorted article is published; however, this provision has never been used. Should the newspaper refuse to publish the Minister's correction, it may be sued in court and, if found guilty, fined approximately \$500 (FJ\$1,000). Individuals may be fined \$150 (FJ\$300) and imprisoned for 6 months or both. The acts allow the Government to arrest anyone who publishes "malicious" material. This includes anything the Government considers false news that could create or foster public alarm or result in "detriment to the public."

The media operate without prior censorship but with considerable self-censorship. Government ownership of shares in the Fiji Post newspaper and its links to the Fiji Sun newspaper through Fijian Holdings, an investment company on whose board a number of ministers have served, call into question the complete independence of the press. Newspapers occasionally print editorials critical of the Government and occasionally conduct investigative reporting. They widely report statements about the political situation by opposition figures and foreign governments. In addition the letters-to-the-editor columns of the two daily newspapers frequently carry political statements from a wide cross section of society, including members of the deposed precoup government. These letters are highly critical of the Government, its programs, and the Constitution. Criticism, albeit muted, of the once-sacrosanct tradi-

tional chiefly system is appearing more frequently. However, the Government still views negative comments about individual chiefs with disfavor.

An active local organization, the Fiji Islands Media Association, is an affiliate of the Pacific Islands News Association (PINA). These associations provide training opportunities for journalists and have established a code of ethics for the media. The Fiji News Council strives to promote high journalistic standards, safeguard media independence, and resolve complaints from the public.

In 1999 the Chaudhry Government bought one of the country's two daily newspapers, the Fiji Post, and announced that all government advertising and official statements would be published only in the Fiji Post. The Fiji Islands Media Association noted its concern about these developments and their effect on media freedom. However, the military-backed interim civilian administration has placed ads in all three daily newspapers.

The country's television news production is owned and operated by Fiji One, the only national non-cable television station. A trust operating on behalf of the provincial governments owns 51 percent of Fiji One; the other 49 percent is owned by private individuals and interests. The Chaudhry Government commenced legal proceedings against Fiji One in an attempt to cancel its exclusive license. The company reached an out-of-court agreement with the Chaudhry Government agreeing to the early termination of its exclusive license. The television station was attacked in May by coup supporters following a broadcast that was perceived to be critical of George Speight. The lives of a number of reporters were threatened, and the station stopped broadcasting for a number of days as a result of extensive damage to its equipment. On October 20, several soldiers detained the executive director, the news director, and a journalist of the public radio station at the offices of the Fiji Broadcasting Corporation in Suva. Earlier in the month, the radio station had reported on tensions within the military forces, and the arresting soldiers reportedly asked the journalists for the names of their sources within the military forces. The authorities have accused the radio station of trying to destabilize the military-backed civilian interim administration. On October 21, the Fiji Sun reported that the Minister of Information sent a letter to Fiji Television asking that former Prime Minister Chaudhry not be interviewed on the "Close Up" program.

Both the Chaudhry government and the military-backed civilian interim administration were forbidden to comment on politically sensitive issues such as the Constitution, land issues, and relations between communities, citing the need to respect the sovereignty of the State and noninterference in internal matters.

Academic freedom generally is respected; however, government work permit stipulations and University of the South Pacific (USP) contract regulations effectively deter university employees from participating in domestic politics. The USP media center web site was temporarily closed in August by the university chancellor following the posting of an editorial considered too "political" by the head of the media center. Student groups organize freely.

b. Freedom of Peaceful Assembly and Association.—The 1997 Constitution provided for the right to assemble for political purposes, subject to restrictions in the interest of public order; however, both the Chaudhry Government and the military-backed civilian interim administration restricted this right in practice. Permits for public gatherings had to be obtained from the district officer, and the Chaudhry Government did not always grant permits for large outdoor political meetings or demonstrations, particularly if the police advised of difficulties with the anticipated crowd size or their ability to assure public safety. Nevertheless, until May the Chaudhry Government routinely issued permits for rallies organized by political parties, religious groups, and groups opposed to government policies. Authorities allowed two protest marches against the elected Government to proceed, one in April and one in May, despite concerns about security. The April protest march, however, was one of the largest antigovernment protests in the country's history, with 2,000 marchers and up to 8,000 participants. On May 4, Home Affairs Minister Joji Uluinakaavadra announced that no further permits would be issued to groups protesting against the Government. According to press reports, the police and other authorities were ordered not to allow any such protests.

The military-backed civilian interim administration also banned all requests for political rallies or marches, and a number of marches and other protests that called for the restoration of the 1997 Constitution and the reinstatement of the elected government were not allowed by the military forces or the interim administration, including a "peace march" organized by the son of one of the hostages that was to be held on June 12.

An Emergency Powers Decree and a series of other decrees provide sweeping powers to the military and police forces to prevent all types of meetings and gatherings. For example, the military-backed civilian interim administration announced on Sep-

tember 13 that all meetings, public or private, would require a special permit. Agendas of proposed meetings reportedly were required to be submitted to the military forces for review before the permits were to be issued, and no permits for events deemed political would be issued. However, meetings for some indigenous political parties were allowed.

The military and police forces prevented a protest march in July that was scheduled to take place between Lautoka and Suva. The head of the Fiji Trade Union Congress (FTUC) was detained briefly in July by the military forces while on union business in Lautoka (see Section 6.a.). He was released without being charged (see Section 1.d.). The executive meeting of the Fiji Public Service Association in August was disrupted by the military forces. In September the National Fire Authority Administrator was held briefly but not charged by the military forces after holding a union meeting. A private meeting of Indo-Fijian leaders in mid-September was delayed due to a demand by the police and the military forces that they be allowed to attend. A youth rally for democracy scheduled to be held at Suva's Civic Center in mid-September did not take place after the military authorities informed organizers that they could not hold the meeting as Commander Bainimarama was "out of the capital." A meeting organized by Fiji's Women's Rights Groups in December was canceled only hours before it was scheduled to have been held and after initial approval had been granted.

The 1997 Constitution provides for freedom of association, and the Government generally respected this provision in practice. Opposition parties operate largely without government interference. Political organizations operate and issue public statements. However, the deposed prime minister was accused of treason by political leaders associated with the military-backed civilian interim administration for his activities to try to restore constitutional democracy.

c. Freedom of Religion.—The 1997 Constitution provides for religious freedom, and this provision was respected in practice by both the Chaudhry Government and the military-backed civilian interim administration. The Government does not restrict foreign clergy and missionary activity or other typical activities of religious organizations.

However, the role of religion in the State continued to be a political issue. In the past, former Prime Minister Sitiveni Rabuka publicly indicated his willingness to consider making the country "a Christian state;" however, he helped to create the Constitution's compromise language. From September until its demise, a number of submissions were made to the Constitutional Review Commission calling for the country to be considered a Christian state. Several predominantly ethnic Fijian political parties that participated in the 1999 general elections called for a Christian state and the reintroduction of measures to mandate respect for Christian values, such as a ban for all but essential services on Sunday (such a ban was introduced following the two 1987 coups, but it was lifted in 1995). Other parties, which are dominated by Indo-Fijians, do not support such actions and insist that church and State should remain separate. The president of the Methodist Church, the dominant religion particularly among ethnic Fijians, has stated that the church has no official role in politics. However, senior Methodist leaders, including a past church president, were candidates for office in the 1999 general elections. The Christian Democratic Party used the Methodist Church headquarters to hold the swearing-in ceremony for its candidates.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government generally does not restrict freedom of movement within the country or abroad; however, a military curfew was imposed countrywide from 10 p.m. to 5 a.m. daily; it was removed in December in the capital area. An all-day curfew was briefly imposed in Suva after the mutiny by rebel soldiers on November 2; it was lifted on November 4. During periods when curfews were in effect, military checkpoints were located across the country, and special passes were required for travel after curfew. Access to Nukulau Island, located near Suva, was curtailed, since it is being used to detain individuals charged with treason.

Citizens are free to emigrate. More than 50,000 have done so since the 1987 coups. There was a significant increase in the number of citizens who took steps to leave the country during the year. The Government does not restrict the return of citizens if they choose to do so and has encouraged those who left after the 1987 coups to return. Occasional detentions at the airport occur, but the courts have ordered redress where warranted.

An internally displaced persons (IDP) camp was established in Lautoka, which houses over 300 Indo-Fijians from the Nausori area. As of December, over 400 displaced Indo-Fijians were housed in camps set up in Labasa and Western Viti Levu. The ICRC and the Fiji Red Cross visited the camps and provided assistance.

The law includes provisions for providing refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. In the past, the Government has been reluctant to grant first asylum without assurances that the asylum seeker would be moved to a third country. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: the Right of Citizens to Change Their Government

Until May 19, the country was governed by a democratically elected Government; however, citizens subsequently lost the right to change their government peacefully as a result of a military takeover, which followed the seizure of Parliament by indigenous Fijian supremacists.

On May 19, following a protest march against Prime Minister Chaudhry's Government, armed indigenous Fijian supremacists led by George Speight, with the support of over 50 rebel soldiers and hundreds of civilians, seized Parliament and took Prime Minister Mahendra Chaudhry and members of parliament hostage. On May 29, President Ratu Mara was ousted in a nonviolent coup led by the military forces. On the same day, military commander Frank Bainimarama seized executive power and issued a number of decrees, including the purported abrogation of the 1997 Constitution and the implementation of emergency powers imposing martial law. Bainimarama then began to rule by decree. In July a military-backed civilian interim administration was installed after lengthy negotiations between the new military regime and the rebels, and a meeting of the ethnic Fijian Great Council of Chiefs. With these events, citizens lost the right to change their government peacefully. The last of the hostages held in Parliament were released on July 13. In late July, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, despite an immunity decree and began to assert effective control over the country (see Section 1.e.).

In October the military-backed civilian interim administration stated its intention to prosecute those involved in the takeover of Parliament on May 19. A number of persons have been charged with treason and other crimes. However, treason charges against eight soldiers involved in the takeover of Parliament were dropped on October 11 (see Section 1.e.). A number of the soldiers released later were involved in the November 2 mutiny. Treason charges also were dropped in December against four others, including the former head of the Fiji Intelligence Service. The soldiers reportedly are to be tried under military law. The police force and the acting Police Commissioner were criticized for not charging high profile senior figures, particularly ethnic Fijian chiefs, who allegedly were involved in criminal acts. Media and public criticism has focused on what has been called "two sets of laws," one for the elite Fijian community and another for other persons.

From September until its demise later in the year, a Constitutional Review Commission endorsed by the military-backed civilian interim administration was charged with drafting a new constitution. Its terms of reference, approved by the Great Council of Chiefs for the commission, would ensure ethnic Fijian political supremacy. A number of concerns were raised regarding the legitimacy, membership, and terms of reference of the Commission. There were no Indo-Fijian representatives on the Commission and its membership included a number of individuals closely associated with the ouster of the elected Government.

The deposed "People's Coalition" government of former Prime Minister Chaudhry initiated a legal challenge to the putative abrogation of the Constitution and the removal of the elected Government. In November the High Court ruled that the 1997 Constitution remained in force and that the military-backed civilian interim administration had no legal basis. The decision was appealed by the interim administration, which asked for a stay of the High Court ruling. The Court of Appeal denied the request for a stay. The full Court of Appeal is scheduled to hear the appeal in February 2001. Former Prime Minister Chaudhry, the country's first Indo-Fijian Prime Minister, also began an international campaign to restore constitutional democracy.

The Constitution, as amended in 1997, reduced the ethnically based factors that previously abridged the right of citizens to change their government. Under its provisions, the Prime Minister and the President can be of any race. It established a 71-member lower house with 25 open seats and 46 seats allocated to different ethnic communities. The open seats, which were unprecedented, were established by an electoral commission and apportioned into districts of approximately equal population. Of the 46 communal seats, 23 were allotted to indigenous Fijians, 19 to Indo-Fijians, 3 to "general voters" (for the most part Caucasians and East Asians), and

1 was allotted to the Rotumans (an ethnically distinct Polynesian group), roughly proportional to the different communities' representation in the population. The amended Constitution also contained an alternate vote system for elections to the lower house to replace the winner takes all system of the previous constitution. The Senate remained an appointed body—the President appoints 32 members, of which the Great Council of Chiefs nominates 14 members, the Prime Minister nominates 9, the opposition leader nominates 8, and the Council of Rotuma nominates 1 member.

Included in the 1997 Constitution was a strengthened bill of rights and a compact among the country's citizens to protect their respective rights and interests; however, the Constitution acknowledged that the paramountcy of indigenous Fijian interests could not be subordinated to the interests of other communities. In July 1998, Parliament passed a new Emergency Powers Act that could be invoked if Parliament determined that there was a threat to the life of the nation. International media organizations criticized the law due to concerns that the Government could close or censor publications during times of crisis. The Emergency Powers Act was amended by decree by the military-backed civilian interim administration, which also invoked the amended act. The amended Emergency Powers Decree has been in force since May 29.

The military-backed civilian interim administration, which had no cabinet representatives from the Indo-Fijian minority (44 percent of the population), stated that it intended to promulgate a new constitution that would protect the rights of ethnic Fijians, institute affirmative action for ethnic Fijians, and safeguard the property rights of ethnic Fijians. The interim administration also stated that it intended to hold elections by March 2002.

Women in both the Fijian and Indian communities have functioned primarily in traditional roles, and are underrepresented in government and politics. However, until the takeover of Parliament in May, an increasing number of women were rising to prominent positions in politics and public service. The May 1999 elections resulted in an increased number of women elected to Parliament. Five women were members of the 27-member Cabinet, with 1 selected as Deputy Prime Minister. There is one female cabinet member in the military-backed civilian interim administration—the Minister for Women's Affairs. Women also play important roles in the chiefly system and can be chiefs in their own right. The former President's wife is one of the three highest ranking chiefs.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several new local nongovernmental organizations began campaigns that focus on human rights. These include the Citizens' Constitutional Forum and Fiji Blue. In addition women's rights' organizations, the labor movement, religious groups, and political parties have begun campaigns focused on human rights issues. The Fiji Red Cross was permitted access to the hostages held at Parliament and assisted communities throughout the country affected by the political turmoil. However, the military-backed civilian interim administration has been less willing to allow the Fiji Red Cross access to prisoners since the November 2 mutiny (see Sections 1.a. and 1.c.).

There are also several small, foreign-based organizations that concentrate on local human rights causes, including the Coalition for Democracy in Fiji (with offices in New Zealand and Australia) and two United Kingdom-based groups, the International Fiji Movement and the Movement for Democracy in Fiji. There is little interaction between the Government and these groups.

The ICRC established a permanent office in the country during the year.

The Fiji Human Rights Commission, which was established by the Chaudhry Government, while still in place, ceased to function in practice. One commissioner resigned. The chair of the commission was accused of conflict of interest because of his marriage to a minister in the military-backed civilian administration. The Commission staff reportedly was denied permission by its chairman to investigate human rights abuses in the Muaniveni area—the site of a number of abuses against the Indo-Fijian community. A number of reports were compiled by the Citizens' Constitutional Forum and the Fiji Human Rights Group documenting alleged human rights violations, mostly concerning crimes against rural Indo-Fijian settlements. These reports were submitted to the United Nations, the European Union, and the British Commonwealth.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The amended 1997 Constitution, prohibits discrimination on the basis of race, sex, place of origin, political opinion, color, religion, or creed, and contains specific affirmative action provisions for those disadvantaged as a result of such discrimination. In the compact included in the amended Constitution, there was a specific provision for affirmative action and "social justice" programs to secure effective equality of access to opportunities, amenities, and services for the Fijian and Rotuman people and for all disadvantaged citizens and groups.

Women.—Reliable estimates indicate that 10 percent of women have been abused in some way, and this abuse is a major focus of the women's movement. Women are addressing the problem of domestic violence actively. Police have adopted a "no drop" rule, according to which they prosecute cases of domestic violence even when the victim does not wish to press charges. The traditional practice of "reconciliation" between aggrieved parties is sometimes taken into account in mitigation of sentences.

There is a small but active women's rights movement that has pressed for serious punishment for rape. Courts have imposed sentences that vary widely but generally are lenient. Women have sought to have all rape cases heard in the High Court where sentencing limits are higher.

Suva, the capital, and Ba, Labasa, and Lautoka have established privately funded women's crisis centers; the centers offer counseling and assistance to women in cases of rape, domestic violence, and other problems, such as child support.

Constitutional changes that came into effect in the 1997 Constitution were designed to redress the imbalance in spousal and offspring rights between male and female citizens. Under the amended Constitution, male and female citizens enjoy equal rights in regard to the granting of residence for spouses, and registering and racially designating children in regard to electoral rolls and ethnic communal property.

In general women in the ethnic Fijian community are more likely to rise to prominence in their own right than are women in the IndoFijian community. Women have full rights of property ownership and inheritance, and a number are successful entrepreneurs. Women generally are paid less than men, a discrepancy that is especially notable in the garment industry. Garment workers, most of whom are female and many of whom are Chinese laborers, are subject to wages that are considerably lower than in other sectors. A significant number of garment workers reside at their places of work. According to press reports, some garment workers supplement their low income through prostitution.

Trafficking in persons, particularly women, is a problem (see Section 6.f.).

Children.—The Government is committed to children's rights and welfare but has limited financial resources to carry out the commitment. In addition the legal system is at times unable to protect the rights of children, since children's testimony is inadmissible in court unless corroborated by an adult. Societal changes have undermined the traditional village and extended family-based structures; outgrowths of this evolution include increased child abuse and a growing number of homeless youths in urban centers.

School is mandatory through the primary grades. NGO reports indicate that over 5,000 students dropped out of school following the political upheaval in the country beginning in May. Concerns over security and inability to pay school fees following loss of employment were cited as two reasons for the decrease in attendance.

Corporal punishment is administered in some schools. The Ministry of Education has guidelines for the administration of such punishment by principals and head teachers. A number of incidents were reported during the year of alleged beatings of children at school. There is credible information that not all abuses are reported or punished.

People with Disabilities.—Discrimination against the physically disabled in employment, education, and the provision of state services is illegal. However, there is no legislation or mandated provision for accessibility for the disabled. Several voluntary organizations promote greater attention to the needs of the disabled.

Religious Minorities.—Police no longer are investigating reports of damage to a small number of Hindu temples in 1997. Religious leaders in the minority Muslim population continued to request the establishment of separate Islamic courts for their community.

National/Racial/Ethnic Minorities.—The stated purpose of two military coups in 1987 was to ensure the political supremacy of indigenous Fijians and to protect their traditional way of life and communal control of land. To this end, the post-1987 coup government initiated a number of constitutional and other measures to ensure ethnic Fijian control of the executive and legislative branches. The Govern-

ment also successfully raised the proportion of ethnic Fijians and Rotumans in the public service to 50 percent or higher at all levels, but most significantly at the senior level: Indo-Fijians represent only approximately 10 percent of the highest levels of the civil service. The 1997 Constitution sought to redress this imbalance by specifically noting that "the composition of state services at all levels must be based on the principle of reflecting as closely as possible the ethnic composition of the population." George Speight, who led the May 19 takeover of Parliament, professed to be taking action on behalf of ethnic Fijians (see Section 3). The military-backed civilian interim administration continued to profess that it intends to ensure the political supremacy of indigenous Fijians and to protect their traditional way of life and communal control of land.

Control of the land remains a highly sensitive issue. Ethnic Fijians hold, communally, over 80 percent of land, the State holds another 8 percent, and the remaining land is freehold. The British colonial administration instituted the present land ownership arrangements to protect the interests of indigenous Fijians whose traditional beliefs, cultural values, and selfidentity are tied to the land. Most cash crop farmers are Indo-Fijians, who lease land from the ethnic Fijian landowners through the Native Land Trust Board. Many IndoFijians, particularly farmers, believe that the absence of secure land tenure discriminates against them. A number of Agricultural Landlord and Tenant Agreement (ALTA) leases have expired and a large number are scheduled to expire in coming years. The uncertainty over future land tenure arrangements is a significant cause of tension between the ethnic Fijian and IndoFijian communities. A parliamentary select committee was established following the election of the Chaudhry Government to review agricultural land tenure agreement issues, but Parliament has not met since May. According to press reports, the Chaudhry Government was considered by many ethnic Fijians to be working in favor of Indo-Fijians, because it tried to get leases renewed without much of an increase in rent. On July 11, 45 resort guests were released; they had been held at the Turtle Bay resort after it was taken over by persons claiming indigenous rights to the land.

Prior to the political upheaval that began in May, Indo-Fijians were subjected to occasional harassment based on race. There have been no credible allegations of government involvement in such incidents, which the police have investigated, sometimes resulting in arrests. Since the takeover of Parliament on May 19, violence against Indo-Fijians was perpetrated by ethnic Fijians. On May 19, over 160 stores were looted and 30 stores were burned in downtown Suva, most of them belonging to IndoFijians. Police arrested 275 persons for looting in connection with that day's events. In Suva on May 31, armed protesters supporting the rebels reportedly stoned cars, beat the motorists in them, and stole vehicles; the protesters appeared to target IndoFijians in the attacks. After the takeover of Parliament in May, Indo-Fijian settlements also were terrorized. IndoFijian businesses continued to be looted and burned through year's end. On June 11, Speight supporters set fire to and destroyed a bar owned by an Indo-Fijian. On the following day, the home of Indo-Fijian labor leader Diwan Shankar was firebombed, but suffered minimal damage (see Section 6.b.). An IDP camp was established in Lautoka; it houses more than 300 Indo-Fijians from the Nausori area. Additional camps were established in Labasa and Western Viti Levu by cane growers' unions. The ICRC and the Fiji Red Cross visited the camps and provided assistance.

The Muaniveni and Baulevu areas near Nausori, in Naitasiri province, experienced a particularly high level of violence, including looting, arson, and physical intimidation, directed against Indo-Fijians. The attacks reportedly were carried out by persons with ties to George Speight. On June 19 and 20, 52 Indo-Fijian homes were attacked in Muaniveni. The IndoFijian families in the area reportedly left their homes at night to avoid the attackers. Some residents reported that they went to the nearest police station to report the attacks, only to find that some of the police officers had assisted the attackers. According to press reports, the police assisted ethnic Fijians in the area to steal crops, kill cattle, and transport items to supporters of George Speight in Suva. There were a number of arrests in connection with the attacks, and the police began an internal investigation into these complaints that confirmed these reports. Violence also was reported in the Dreketi and Rakiraki areas, including theft, looting, and arson. Soldiers dispatched to Vanua Levu to quell disturbances there reportedly killed one Speight supporter and arrested 37 others in early August. In early July, Speight supporters burned and looted shops in Levuka. Also in July, the 50 Indo-Fijian families in a settlement at Tailevu reportedly were robbed and beaten by ethnic Fijians (see Section 1.c.). Livestock, vehicles, and household items were stolen. Hundreds of IndoFijians were held hostage temporarily on Vanua Levu in July (see Section 1.d). There continued to be

credible reports of arson and looting of Indo-Fijian settlements in remote rural areas, and sporadic attacks on Indo-Fijians continued at year's end.

The Chaudhry Government established a special police unit to investigate allegations of criminal activity within the Chinese community. It also focused particular attention on what it termed the "expatriate" business community and had announced its intention to review all immigration records relating to foreign workers. It intervened in a number of visa cases, refusing visas or renewals of work permits. In 1999 it called on private companies to "localize" their hiring practices. The minority Chinese community complained about perceived government harassment in this regard, and the nation's employers' organization spoke against government interference.

Section 6. Worker Rights

a. The Right of Association.—The law protects the right of workers to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies, and the authorities respect these rights in practice. However, the law permits restrictions to be applied in government employment and in the interests of defense, public safety, public order, public morality, or public health, or to protect the rights and freedoms of other persons. An estimated 55 percent of the workforce is unionized.

All unions must register with, but are not controlled by, the Government. The only central labor body is the Fiji Trade Union Congress (FTUC), which was associated closely with the opposition Fiji Labor Party until mid-1992; unions operate under its auspices. The FTUC subsequently adopted a more independent political stance. While certain unions remain ethnically based, both Indo-Fijians and ethnic Fijians hold leadership roles in the trade union movement. In the past, the FTUC participated, along with the employer's federation, in the Government's Tripartite Economic Strategies Committee; however, it has not been active since the seizure of Parliament on May 19.

Strikes are legal, except in connection with union recognition disputes, and trade unions can conduct secret strike ballots without government supervision. There are credible reports that in July and August, following the takeover of the democratically elected Government, the military forces actively intervened to prevent union efforts to mobilize strike action in the sugar cane belt. The head of the FTUC and other union representatives have been briefly detained by the military authorities while on union business. The FTUC has coordinated closely with the international labor movement in the aftermath of the ouster of the elected Government. Representatives of Australian and New Zealand unions have visited Fiji to support the FTUC.

Unions can affiliate internationally. The FTUC associates internationally.

b. The Right to Organize and Bargain Collectively.—The law recognizes the right to organize and bargain collectively. Employers are required to recognize a union if more than half of the employees in a workplace have joined it. Recognition is determined by union membership rather than by an election. The Government has the power to order recalcitrant employers to recognize unions and has done so. Key sectors of the economy, including sugar and tourism, are heavily organized. Following the 1992 return to accountable government, the Government lifted wage guidelines, and unrestricted collective bargaining on wages is now the norm.

Wage negotiations generally are conducted on an individual company or enterprise basis, although industry wide negotiations are on the increase. The law specifically prohibits antiunion discrimination, but the law does not mandate that fired workers be reinstated.

Export processing zones (EPZ's) are subject to the same laws as the rest of the country. However, the FTUC has been unsuccessful in obtaining collective bargaining agreements in EPZ's and claims that intimidation of workers by employers is widespread. The FTUC sees union recognition as the single issue that does not have effective legal recourse. The FTUC argues that because of alleged illegal and intimidating practices in EPZ's, including threats of loss of work for those active in organizing workers, unions are unfairly prevented from representing workers in the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits forced labor, including forced and bonded labor by children; however, trafficking in women is a problem (see Section 6.f.), and there were media reports that a form of bonded labor may be practiced on a remote copra plantation on an outer island. Media reports also allege that working conditions in some garment factories may amount to bonded or forced labor and may include overcrowded factory housing and excessive work hours. Workers at a garment factory in Lami reportedly conducted a hunger strike in December to protest working conditions (see Section 6.e.).

The Government enforces the prohibition against forced and bonded labor by children effectively.

d. Status of Child Labor Practices and Minimum Age of Employment.—Children under the age of 12 may not be employed in any capacity. “Children” (under age 15) may only be employed outside school hours in family enterprises and not in the industrial sector. “Young persons” (ages 15 to 17) may be employed in certain occupations not involving heavy machinery and with specified hours and rest breaks. Enforcement by the Ministry of Labor and Industrial Relations generally is effective except for family members working on family farms or businesses and “self-employed” homeless youths. There has been an increase in self-employed school-aged youths in urban areas, particularly in those working as shoeshine boys. School is mandatory only through the primary grades. Children (under age 15) may be employed outside school hours only in certain occupations.

e. Acceptable Conditions of Work.—There is no national minimum wage. Certain sectors have minimum wages set by the Ministry for Labor and Industrial Relations, which enforces them effectively. The manifesto of the ousted “People’s Coalition” government called for the establishment of a minimum wage. Minimum wage levels provide a sparse but adequate standard of living for a worker and family in all sectors except the garment sector. Wages are generally lower in the garment industry, which largely comprises female (mainly Chinese) workers; in the garment industry, the starting hourly wage is \$0.36 (FJS\$0.72) for learners and \$0.47 (FJS\$0.94) for others. The wages are based on an assumption that garment workers are young adults or married women living at home and not supporting a household.

Working conditions and employee contracts in garment factories vary widely, with conditions in some factories reportedly amounting to indentured servitude (see Section 6.c.). There are no regulations specifying maximum hours of work for adult males. Women can perform night work in factories and overtime but are prohibited from underground work in mines. Workers in some industries, notably transportation and shipping, complained of excessive hours of work. Indo-Fijians, who generally require a cash income to survive, are more vulnerable to pressure to work long hours than are ethnic Fijians. Many ethnic Fijians return to their villages rather than work what they consider excessive hours. Particularly in the garment industry, migrant workers (predominantly Chinese) are increasing in number and are a largely unregulated work force.

There are workplace safety regulations, a Worker’s Compensation Act, and an accident compensation plan. Government enforcement of safety standards under the direction of the Labor Ministry suffers from a lack of trained enforcement personnel and from lags in compensation hearings and rulings, but unions do a reasonable job of monitoring safety standards in organized workplaces. The International Labor Organization’s (ILO) 1992 recommendations cited the need to improve working conditions, particularly in the garment industry. The Government, supported by the FTUC, passed occupational health and safety legislation, which came in to effect in 1997. The Government continues to work with the ILO (which maintains an office in Suva) to address problems concerning working conditions. By law an employee has the right to remove himself from a hazardous work site without jeopardizing his employment, but most fear the loss of their jobs if they do so.

f. Trafficking in Persons.—There are no laws that specifically address the subject of trafficking in persons, although laws against bonded and forced labor could be used to prosecute traffickers; trafficking in persons is a problem. There was an increase in the number of persons arriving in or transiting the country with altered or falsified travel documents. Nadi International Airport is a hub for travel in the Pacific and an increasing number of Asian nationals without appropriate travel papers were apprehended and deported during the year. The police believe that an organized Asian criminal network exists in the country that coordinates illegal trafficking in persons. There are unconfirmed reports that some laborers recruited from Asian countries, particularly in the garment sector, are held in conditions of forced labor (see Section 6.c.). There are also reports that Chinese women working in the garment sector may be involved in prostitution.

There is no available information as to whether persons working in the sex industry are forced into prostitution.

INDONESIA

Indonesia made progress in some areas of its transition from a longentrenched authoritarian regime to a more pluralistic, representative democracy; however, the country also encountered significant setbacks in areas of democratic governance. In

October 1999, President Abdurrahman Wahid was elected in the country's first pluralistic elections, in a process judged free and fair by international monitors. The democratically-elected government faced enormous challenges because institutions required for a democratic system either do not exist or are at an early stage of development. Existing institutions, including the government bureaucracy and security establishment, often were obstacles to democratic development. When governmental authority changed hands from President B.J. Habibie to President Wahid the political system was revamped to provide for separation of powers, with an executive branch, a president, and an appointed cabinet that ultimately are accountable to a directly elected parliament. The Parliament (DPR) and the People's Consultative Assembly (MPR) were installed in October 1999, replacing the former DPR, which was elected in 1997, and the former MPR. In accordance with constitutional procedures, the new MPR elected, in a transparent balloting procedure, Wahid as President, and Megawati Soekarnoputri as Vice President in October 1999. The 500-member DPR, of which 462 members were chosen in the 1999 elections (but which also includes 38 unelected members of the military), became a forum for vigorous debate of government policy and practice during the year. The Parliament frequently challenged the authority and policies of the executive branch, and in mid-July formally exercised its right to summon President Wahid to respond to questions about his actions. The MPR, which consists of the Parliament, 130 elected regional representatives, and 65 appointed functional group representatives, held its first annual session in August; previously the MPR ordinarily had met every 5 years to elect the President and Vice President and to consider other matters reserved for the MPR. Severe criticism of President Wahid's performance led the MPR in August to issue a decree mandating the President to cede additional authorities over daily governance to Vice President Megawati as stipulated in a subsequent presidential decree. This decision has not appeared to alter significantly the power relationship between the President and Vice President. During its August session, the MPR amended the 1945 Constitution to, among other changes, incorporate human rights protections modeled on the U.N. Universal Declaration of Human Rights, although human rights activists expressed concern that a constitutional amendment prohibiting retroactive application of laws could be used to shield past human rights violators from prosecution. The Constitution provides for an independent judiciary; however, it remains subordinated to the executive and suffers from pervasive corruption.

The 275,000-member armed forces (TNI) are under the supervision of a civilian defense minister but retain broad nonmilitary powers and an internal security role, and are not fully accountable to civilian authority. The military and police jointly occupy 38 appointed seats in the DPR reserved for the security forces, as well as 10 percent of the seats in provincial and district parliaments. During the first half of the year, political leaders considered phasing out reserved seats for the security forces in the DPR and MPR. The security forces agreed to relinquish their appointed seats in the national and regional legislatures in 2004, but the MPR adopted a decree during its August session that extended the security forces' presence in the MPR until the year 2009. In March President Wahid signed a decree abolishing the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS), which had given the security forces wide discretion to detain and interrogate persons who were perceived as threats to national security. In July President Wahid signed a decree removing the national police force of 175,000 members from the supervision of the Minister of Defense and providing for civilian oversight. This step, in addition to the formal separation of the police from the armed forces in 1999, was intended to give the police primary responsibility for internal security. Notwithstanding these changes, the military continues to play a substantial internal security role in areas of conflict, such as Aceh, the Moluccas, and Irian Jaya. Both the TNI and the police committed numerous serious human rights abuses throughout the year.

The economy, which is market-based with a significant degree of government intervention, increased by approximately 3.5 percent during the year, following a more than 13 percent decline in real terms in 1998 and no real growth in 1999. Industrial exports grew strongly, particularly in labor-intensive textile, electronics, wood products, and other light manufacturing industries based on the densely populated islands of Java and Bali. Underemployment remained high at approximately 19 million persons. Over 40 percent of the adult working population is employed in agriculture, which in Java, Bali, and southern Sulawesi primarily involves rice and other food crops but elsewhere concentrates on cash crops such as oil palm, rubber, coffee, tea, coconut, and spices. Per capita gross domestic product among the population of 211 million was \$580 in 1999, well below the levels achieved before the severe economic downturn that began in July 1997. The downturn affected most se-

verely the urban poor, particularly in Java, partly as a result of a wholesale shift in employment from the higher-paying formal sector to the less secure informal sector. The negative impact of the economic and financial downturn was smaller in less populated, natural resource-rich Kalimantan, Sulawesi, and Sumatra. Large disparities in the distribution of wealth and political power contributed to social tensions across the country and continued to create demands for greater regional autonomy. In response, the Government prepared for the implementation of two potentially significant 1999 laws providing for greater political and economic decentralization and for revenue sharing among the country's provinces and districts.

The Government's human rights record was poor, and the overall human rights situation worsened during the year, despite the Wahid Government's efforts to continue the country's democratic transition and permit the exercise of basic freedoms. Security forces were responsible for numerous instances of, at times indiscriminate, shooting of civilians, torture, rape, beatings and other abuse, and arbitrary detention in Aceh, West Timor, Irian Jaya (also known as Papua or West Papua), the Moluccas, Sulawesi, and elsewhere in the country. TNI personnel often responded with indiscriminate violence after physical attacks on soldiers. They also continued to conduct "sweeps" which led to killing of civilians and property destruction. The Government and the leaders of the Free Aceh Movement members signed an agreement in May providing for a humanitarian pause in the fighting between them, beginning on June 2. During the pause, both sides agreed not to undertake offensive operations or maneuvers. Initially the humanitarian pause greatly reduced violence in Aceh, but by September violence had returned to roughly pre-pause levels. Army forces, police, and GAM members committed numerous extrajudicial killings. In Irian Jaya (Papua) police shot and killed persons involved in Papuan independence flag-raising or demonstrations on a number of occasions, even when these demonstrations were nonviolent. There continued to be credible reports of the disappearance of dozens of civilians, including Jafar Siddiq Hamzah, a nongovernmental organization (NGO) activist, and Tengku Hashiruddin Daud, an Acehnese Member of Parliament. Both later were found dead with indications of torture. East Timorese prointegration militias resident in West Timor, armed and largely supported by the army, were responsible for numerous acts of violence in West Timor directed at local West Timorese residents and international aid workers, including the murder of three U.N. High Commissioner for Refugees (UNHCR) officials in Atambua in September. The militias made repeated crossborder raids into East Timor, which resulted in the deaths of two U.N. Peacekeeping Force personnel. In West Timor, the militias attacked and threatened UNHCR and other humanitarian aid workers throughout the year, leading to the withdrawal of international aid workers on several occasions, intimidated East Timorese internally displaced persons (IDP's) and the local population in West Timor, and destroyed property belonging to international organizations. Twenty-four army personnel received jail sentences of 8 to 10 years in May for the massacre of 58 civilians in Beutong Ateuh, West Aceh, in July 1999. However, the most senior military officer involved in the incident inexplicably disappeared after the convictions. In response to past abuses, joint civilianmilitary courts and various other investigative bodies are pursuing several other cases involving army and police officers, but aside from the Beutong Ateuh, West Aceh case, no other cases were brought to trial. Security forces systematically employed arbitrary arrest and detention without trial in Aceh. The Government has not prosecuted any persons in connection with the militia-related crimes in West or East Timor dating back to 1999, although the Attorney General in September and October named 23 persons as suspects in East Timor human rights cases (one of whom was killed in early September).

Rapes and sexual exploitation by security forces continued to be a problem, particularly in West Timor. Prison conditions are harsh. Despite initial steps toward reform, the judiciary remains subordinate to the executive, suffers from corruption, and does not always ensure due process. Security forces infringe on citizens' privacy rights. The Government generally respects freedom of speech and the press; however, journalists continued to suffer intimidation and assaults. The Government places significant controls on freedom of assembly, but allowed most demonstrations to proceed without hindrance during the year, except in Aceh and Irian Jaya. Security forces sometimes resorted to excessive force in order to disrupt peaceful demonstrations. There were numerous credible reports that police assaulted persons detained in Irian Jaya after violent clashes, and police detained persons for organizing peaceful independence flagraisings. The Government generally respects freedom of association, although the Communist Party remains banned. The Government legally provides for religious freedom for five designated religions; unrecognized religions are subject to restrictions. The Government continues to restrict freedom of movement to a limited extent. Thousands of Acehnese residents fled their villages

during conflicts between the security forces and separatists. The army, East Timorese militias in West Timor, and militant groups in Maluku also forced the relocation of hundreds of thousands of persons. In West Timor, the Government's failure to disarm and disband the East Timorese prointegration militias impeded the repatriation or resettlement of thousands of East Timorese IDP's.

Domestic human rights organizations continued to play a significant role in advocating improved human rights conditions; however, the authorities continued to subject some NGO's to monitoring and interference, and in August in Jakarta, unknown persons allegedly kidnaped, held, and threatened a group of agrarian activists for 2 weeks before releasing them. Violence and discrimination against women are widespread problems. Child abuse and child prostitution are problems, and female genital mutilation (FGM) persists in some areas. Discrimination against the disabled, and against indigenous, religious, and ethnic minorities also are widespread problems. Interreligious violence, particularly in the Moluccas, claimed over 3,000 lives, and thousands of Christians in Maluku were forced to convert to Islam. Discrimination against ethnic minorities continued. Attacks against houses of worship continued, and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations of official complicity in some of the incidents.

During the year the Government ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor, enacted a new law on trade unions, and continued to allow new trade unions to form and operate. Nonetheless, enforcement of labor standards remains inconsistent and weak in some areas. Millions of children work, often under poor conditions. Forced and bonded child labor remains a problem, although the Government continued to take steps during the year to remove children from fishing platforms, on which bonded child labor most commonly occurs. Trafficking of persons into and from the country for the purpose of prostitution and sometimes for forced labor is a problem.

The Government was ineffective in deterring social, interethnic, and interreligious violence that accounted for the majority of deaths by violence during the year. Enforcement of the law against criminal violence deteriorated, resulting in religious groups purporting to uphold public morality, and mobs dispensing "street justice" operated with impunity.

In Aceh dozens of lowlevel civil servants, police, and military personnel were murdered and abducted during the year. Private non-Acehnese residents also sometimes suffered attacks. It generally is believed that separatists carried out many of these, and other, killings. In Irian Jaya, mobs killed over 20 migrant settlers and wounded scores of others on October 6 and 7 after police opened fire on indigenous Papuans resisting the removal of Papuan independence flags. Unknown attackers killed two police members and a security guard in Abepura, Irian Jaya, on December 7, and two timber workers near the Irian Jaya-Papua New Guinea border on December 9. Police blamed both attacks on the Free Papua Organization (OPM) although local human rights groups believe that groups with ties to the security forces were involved.

The DPR enacted landmark legislation establishing a human rights court, and deliberated on and debated other draft legislation with human rights implications, such as a bill on broadcasting. In January President Wahid issued Presidential Decree No. 6, which repealed the ban (passed in 1967) on the practice of Chinese religion (Confucianism), beliefs, and customs. Ethnic Chinese celebrated New Year's openly for the first time in over 30 years.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Historically, politically-related extrajudicial killings have occurred most frequently in areas where separatist movements were active, such as Aceh, Irian Jaya and East Timor, and security forces continued to employ harsh measures against separatist movements in these areas. In addition security forces killed unarmed demonstrators, and there also were numerous instances of reported extrajudicial killings by security forces in cases involving alleged common criminal activity.

In Aceh army and police personnel committed many extrajudicial killings and used excessive force or directed force against noncombatants in an attempt to quell separatist movements; at times the police and army forces were responding to rebel attacks. On February 9, in Cot Merbo village, North Aceh, TNI troops shot and killed four Acehese civilians, whom the military claimed were GAM guerillas. On March 10, police shot and killed two apparently unarmed men at a police checkpoint near Banda Aceh. Police later stated that the two men were members of GAM and

were shot while fleeing the scene. According to a TNI spokesperson, on March 12, TNI troops shot and killed three armed separatists after they resisted arrest and fired shots at the troops in Bate Pila, North Aceh. On May 17, police shot and killed a civilian in Cunda, a village north of Lhokseumawe. According to police, he was shot after he attempted unsuccessfully to steal a police officer's revolver from his holster at a checkpoint. Other witnesses confirmed that the man fled the checkpoint; however, they denied that there was a struggle over the gun and instead claimed that the police chased and caught the man, and then executed him. On May 17 and 18, police killed eight villagers in Hagu Barat Laout, North Aceh. Police claimed that the eight villagers were armed separatist guerillas; local residents claim that all the victims were fishermen and that they were watching a soccer match when, without provocation, the police attacked. In November police and army troops attempting to prevent Acehnese from attending a rally calling for a referendum on Acehnese independence killed over 20 persons in the provincial capital of Banda Aceh (see Section 2.b.). On December 6, three Acehnese humanitarian workers with the NGO Rehabilitation Action For Torture Victims in Aceh (RATA) were killed at close range near Lhokseumawe (see Section 4). A survivor of the shooting said that a group of Acehnese government collaborators and plainclothes military personnel shot the victims. Police arrested 11 persons, including 3 policemen and 4 soldiers, in connection with the RATA killings; they remained in detention at year's end. There were numerous other instances of excessive force by the military and police during the year that went unpunished.

During the year there were numerous extrajudicial killings in Aceh that could not be clearly attributed to either the security forces or to the armed separatist movement, the Free Aceh Movement. According to domestic NGO's and press reports, 636 persons were killed in Aceh during the year, 494 of whom were civilians and 142 of whom were police or military members. On January 24, Tengku Nashiruddin Daud, an Acehnese representative to the DPR, disappeared in Medan, North Sumatra. His body was found outside Medan on January 25, and family members identified it on January 30. Nashiruddin had advocated strongly for the trial of military officers accused of human rights violations in Aceh; he also was opposed to an independent Aceh. Police had made no progress in identifying Nashiruddin's killers by year's end. The body of Sukardi, a volunteer with the Bamboo Thicket Institute, a local environmental and human rights organization based in Aceh, was found on February 1, after he was reported missing the day before. On April 6, unknown persons shot and killed a female doctoral candidate at Aceh's Syah Kuala University. On May 27, eight armed men abducted Sulaiman Ahmad, a TNI lieutenant colonel, and hanged him. On May 29, unknown persons shot and killed a TNI lieutenant in a videostore in Geudong, Aceh. On August 5, foreign-resident Acehnese NGO activist Jafar Siddiq Hamzah disappeared in Medan. His body was found on September 4, along with four other unidentified bodies southeast of Medan. All bodies had multiple stab wounds and bruises. Police had made no progress in identifying the perpetrators of the killings by year's end. On September 16, unknown persons shot and killed Tengku Safwan Idris, rector of the Ar-Raniry State Islamic Institute, at his home in Banda Aceh. Police investigated the murder but were unable to identify the perpetrators.

In Irian Jaya (Papua) police shot and killed persons involved in largely peaceful Papuan independence flag-raising or demonstrations on at least 6 occasions, injuring numerous persons and killing at least 33 (see Sections 1.c., 2.a., and 5). For example, Police Mobile Brigade (Brimob) troops opened fire on a group of Papuans who were raising a Papuan Independence Flag in Sorong, Papua on the morning of August 22. Three Papuans were killed and at least 12 others were injured; 1 policeman was injured. After the police failed to persuade the crowd to disperse peacefully heated arguments broke out between the Papuans and the police. Some sources allege that police then began firing their weapons; two other sources allege that members of the crowd began a scuffle and threw stones first. However, all sources agree that the police overreacted and began firing indiscriminately into the crowd. The incident was similar to a series of police reactions to flag-raising over the past 2 years, although the number of victims was significantly higher in this case. On October 6, police killed six persons in Wamena, Papua, who resisted police efforts to take down Papuan flags. At least 20 other persons were injured (see Section 5). Police and Papuans clashed in Merauke on November 3 and 4. Reports indicate that 5 Papuans died of gunshot wounds and another Papuan died of stab wounds; police injured at least 17 other Papuans. The circumstances of the incident are unclear. According to police, Papuans injured several persons and damaged non-Papuan property during the incident (see Section 5). Police killed two Papuans during a clash in Fak Fak on December 1. Police and Papuans clashed again in Merauke on the morning of December 2, and police fired into a crowd, shooting and

killing seven Papuans and injuring at least eight others. After a December 7 attack on a police station in Jayapura, police killed 3 persons, and detained and beat over 100 others (see Section 5). On December 18, troops shot and killed four Papuans near Tiom, Papua, after the Papuans shot arrows at the soldiers, killing one soldier.

East Timorese prointegration militias based in West Timor, who, according to credible reports, continued to be armed and supported by the army, committed numerous extrajudicial killings. On July 24, approximately eight militia members shot, killed, and mutilated a New Zealand U.N. peacekeeper near Suai, East Timor, where the U.N. unit was patrolling the East/West Timor border area. On July 30, East Timorese IDPs from TNI Battalion 744 killed Bernard Loddo, a resident of Kupang, West Timor. On August 10, East Timorese militias killed a Nepali U.N. peacekeeper and wounded three other peacekeepers and one East Timorese civilian near Suai. On September 6, a mob of East Timorese IDPs led by militia members attacked UNHCR offices in Atambua, West Timor and killed three international UNHCR staff members, then mutilated and burned their bodies. Security forces that were assigned to protect the UNHCR office failed to prevent the militia forces from attacking and left the area before the militia's second attack on the building, when the three UNHCR workers were killed. In December authorities began to process for trial six suspects linked to the attack; at year's end, authorities had not detained any other suspects.

According to credible reports, security forces in the Maluku island chain, especially in the centrally located island of Ambon, were responsible for some of the shooting deaths that occurred during widespread riots and communal clashes throughout the year. Despite claims to the contrary, there was no credible evidence to suggest that the security forces as an institution supported one side or the other during the violence (see Sections 2.c. and 5).

In March a foreign citizen disappeared while in the custody of immigration officials in East Kalimantan; the citizen continued to be presumed dead at year's end. Immigration officers detained him for overstaying his visa in November 1999. In March the foreigner was being transferred from Kalimantan to Jakarta on an inter-island ferry when he allegedly jumped overboard and drowned. Government officials waited over 2 weeks before informing his government of his disappearance. No disciplinary action was taken against the immigration personnel responsible for his disappearance and presumed death, and there were no developments in the case by year's end.

The police on several occasions used deadly force to disperse demonstrators. For example, in Medan, North Sumatra on May 1, police shot and killed two students at Nommensen University after crowds took two police hostage and threw Molotov cocktails during a demonstration to protest the detention of another student. On June 14, in Pontianak, West Kalimantan, police shot and killed one student during a demonstration in front of the governor's office. On June 18, in Blitar, East Java, police shot and killed two persons involved in a long-running protest and land dispute at a plantation. On June 21, in Porsea, North Sumatra, police reportedly shot and killed one person during a clash with demonstrators. On July 20, in Muara Enim, South Sumatra, police shot and killed one person during a demonstration by farmers over land rights. On September 27, in Bondowoso, East Java, police killed five persons in a crowd that was demanding the release of a detainee in police custody.

The police often employed deadly force in apprehending suspects or dealing with alleged criminals, many of whom were unarmed. During the year police shot and killed at least 15 Africans suspected of trafficking in narcotics. Other nationalities were not subjected to similar harsh treatment in narcotics or other criminal cases, suggesting that the killings were racially motivated. In response to criticisms that the methods used were unjustifiably harsh and amounted to execution without trial, police generally claimed that the suspects were fleeing, resisting arrest, or threatening the police. Complete statistics about the number of these cases were not released by year's end (see Section 5).

The military or police rarely are held accountable for committing extrajudicial killings or using excessive force, and with the exception of the 24 soldiers who were convicted for the death of 58 civilians in Aceh in July 1999, no government personnel were held accountable during the year. However, during the year, the Government initiated and continued an unprecedented number of investigations into human rights cases in Aceh, East Timor, and other areas of the country.

In July 1999, the Government appointed an independent commission (KPP Aceh) to investigate human rights violations in Aceh. In November 1999, the Commission recommended that the Government investigate five cases of alleged human rights violations. On April 17, the trial of 24 army personnel and a civilian, who all previously were convicted for the killing of 58 civilians in Beutong Ateuh in July 1999,

began; however, none of the accused was above the rank of lieutenant colonel. During the trial, soldiers testified that they had killed civilians but argued that they were not guilty of murder because they were following their commanders' orders. The commander reportedly disappeared; however, NGO's reported a subsequent

In Aceh armed separatist groups killed many soldiers, police, civil servants, and local residents throughout the year. On January 1, a mob surrounded a TNI sergeant who was buying fish in a market in Simpang Tiga, Pidie, Aceh and stabbed him to death. According to press reports, on January 6, the bodies of two men who had been shot to death were found wrapped in separatist flags and left on a roadside in Muara Dua, North Aceh. On April 5, alleged GAM members killed four TNI personnel in an ambush near Lhokseumawe. GAM has claimed responsibility for a July 2 attack in Nissam district, North Aceh, in which assailants killed three Brimob members and wounded six others. On September 20, GAM forces attacked a police post in Pidie with a grenade launcher, killing three soldiers.

On October 6 and 7, in Wamena, Irian Jaya, members of Papuan "task forces" (Satgas Papua—informal private security organizations of Papuan men and youths that ostensibly provide protection for Papuan tribal and other leaders and groups), and other Papuans armed with knives, spears, and arrows killed at least 24 non-Papuans, after security forces opened fire on and killed 2 task force members who resisted efforts to take down Papuan independence flags flying in the town. Unknown persons killed two police officers and a security guard in Abepura, Irian Jaya, on December 7, and two timber workers near the Irian Jaya-Papua New Guinea border on December 9. Police blamed both attacks on the Free Papua Organization (OPM) (see Section 5). On December 16, Papuans reportedly attacked soldiers with traditional weapons near the town of Tiom, killing one soldier and injuring three others. The soldiers responded with gunfire.

According to multiple sources, over 3,000 persons were killed, largely because of their religious identity, in North Maluku, Maluku, and Central Sulawesi provinces in the eastern part of the country. The fighting in all three provinces had political, economic, ethnic, and religious overtones (see Sections 2.c. and 5). While initial conflicts emerged over land tenure issues and the political and economic status of local residents versus migrants, in many cases the conflicts later evolved into highly-charged religious clashes. One of the major factors contributing to the continuation of violence in these islands was the failure to bring the perpetrators to justice (see Sections 2.c. and 5); another factor was the failure of the authorities to prevent armed militants from traveling in large groups to the Moluccas from Java.

Interreligious fighting in the Moluccan island group, which began in Ambon in January 1999, spread to most major islands in the Moluccas during the year. Christian and Muslim groups used increasingly sophisticated weapons as the fighting continued, causing over 3,000 deaths and destroying many churches, mosques, and, in some cases, entire towns. The level of violence intensified in late 1999 and in the early part of the year after Christian gangs and militia (and to a lesser extent, Muslim gangs and militia) attacked isolated villages in Halmahera and other parts of North Maluku. During the first 6 months of the year, and following the December 1999 attacks by Christians, Muslim militias drove Christian populations away from many areas of North Maluku and Maluku provinces (see Section 2.d.). As IDP's fled to neighboring areas and islands, their resentment against those who had attacked them often sparked conflict in their new places of residence. In addition unverified reports of provocations and conspiracies fueled the continuous cycle of violence. The violence decreased in Ambon in late January, after security forces began enforcing a curfew and disarming civilians. At the same time, mutually-destructive fighting escalated in Halmahera and other parts of North Maluku. By April there were some signs of reconciliation in Ambon after the provincial government established reconstruction programs and markets in border areas between Muslim and Christian communities. However, in late April, serious rioting broke out immediately following a visit by Vice President Megawati Soekarnoputri. There was a further upsurge in violence in mid-May after boats filled with members of the Laskar Jihad, Muslim militants from Java, arrived in Ambon and other parts of the Moluccas (see Section 5). As many as 2,000 to 3,000 militants ultimately arrived via boat. Law and order continued to deteriorate steadily, and in late June, violent mobs stormed through Ambon city with little or no security force interference. There also were large-scale Muslim attacks against Christians in Halmahera in May and June. The level of violence decreased, particularly in North Maluku, after President Wahid declared a state of civil emergency in both provinces in late June (see Section 2.d.); the state of emergency still was in effect at year's end. However, violent interreligious clashes continued occasionally during the remainder of the year, especially in Ambon and neighboring islands in central Maluku.

Beginning in late May, the area of Poso in Central Sulawesi, and numerous villages in the region experienced renewed religious riots and violence, resulting in numerous deaths and widespread destruction. Christian gangs from surrounding villages reportedly expelled Muslims from the town of Poso in retaliation for past hostilities, which included the burning of hundreds of Christians' houses in the pre-

ceding months (see Section 2.d.). In the most serious incident, Christian gangs killed over 100 unarmed Muslims in a small village outside Poso. In July the regional military commander announced that 211 persons had been confirmed dead in and around Poso; other estimates ranged as high as 500 fatalities. Both Christian and Muslim outsiders were accused of instigating the violence (see Sections 2.c. and 5).

Over 30 persons were killed in a series of bombings in Jakarta and Medan during the year (see Sections 1.c. and 5). Ten persons died when a car-bomb exploded in the basement of the Jakarta Stock Exchange on September 13, two persons died in a car bomb incident near the gate of the Philippine Ambassador's residence, and several others were killed in bombings in Medan. Eighteen persons died in an apparently coordinated series of bombings at or near churches in nine cities on the night of December 24 (see Sections 1.c. and 5). Except for the case of the Stock Exchange bombing, no suspects had been apprehended by year's end.

According to press reports, during the year 145 persons accused of committing crimes (usually theft or responsibility for vehicular accidents) were killed by mobs of persons on the scene of the alleged crimes in the most populous urban areas of Jakarta, West Java, East Java, and North Sumatra. Countrywide statistics were not available at year's end.

In Kalimantan interethnic clashes resulted in killings on at least two occasions. In Kumai, Central Kalimantan, four persons died in fighting between indigenous Dayaks and Madurese migrants (originally from the island of Madura near Java) in July. In Pontianak, West Kalimantan, at least 11 persons died in fighting between ethnic Malay and Madurese in October. Sectarian violence between Dayaks and Madurese migrants erupted on December 16 in Central Kalimantan. According to official news agency reports, about 100 Dayaks attacked and burned approximately 20 migrant houses. The attacks were in reprisal for a number of unsolved killings of Dayaks, allegedly committed by Madurese. An estimated 50,000 Madurese who fled their homes during interethnic violence in 1999 (see Section 5) remained in IDP camps in West Kalimantan.

During the year, there were a number of reports of killings of persons who practice traditional magic ("dukun santet") (see Section 5). In the Malang area of East Java, police reported to the press that unknown persons killed 10 persons suspected of being dukun santet. There also were reports of killings of dukun santets in West and Central Java. In February in West Java, police arrested 12 persons suspected of participating in the killing of 7 dukun santet. Police acknowledged in November that at least 20 villagers in the Cianjur area of West Java had been executed for allegedly practicing traditional magic. Police arrested 20 persons suspected of involvement in the killings in November. However, none of the cases had come to trial by year's end.

b. Disappearance.—According to a report issued by the Committee for Missing Persons and Victims of Violence (KONTRAS), 843 persons still are missing as a result of military operations, land disputes, and political and religious activities over the past 20 years.

In Aceh there continued to be credible reports of the disappearance of many civilians. KONTRAS reported in December that 53 cases of forced disappearance involving 69 persons had occurred between January 1 and the end of November. Three prominent Acehnese disappeared in Medan, North Sumatra: Member of Parliament, religious leader, and human rights activist Tengku Nashiruddin Daud in January; armed separatist spokesman Ismail Syahputra in June; and NGO activist Jafar Siddiq Hamzah in August. Nashiruddin's and Jafar's bodies later were found, bearing signs of torture (see Section 1.a.); Syahputra remained missing at year's end. NGO's allege that TNI forces or police personnel are responsible for many cases of civilian disappearances.

There were no developments in the investigation into the causes of death or the identification of the remains of 32 bodies found floating around Biak, Irian Jaya in July 1998 after navy and police forces broke up a proindependence demonstration. Multiple reports claimed that many of the bodies were demonstrators who had been detained and then killed while in custody.

There were no developments in the numerous disappearances of persons in East Timor in 1999 and in earlier years.

Four members of the Agrarian Reform Consortium (KPA), an NGO based in Bandung, West Java that advocates for dispossessed farmers, claimed that they were kidnaped at gunpoint by unknown persons on August 14. Their alleged abduction came after police forcibly removed them from a demonstration and hunger strike that they were conducting inside the Parliament building in Jakarta. They claimed that after several days in solitary confinement they were driven to different locations and interrogated at length about their organization's activities, finances, and aims. They said that they were not tortured physically, but that their lives and

those of their families and colleagues frequently were threatened. Their captors released them on August 27. Police opened an investigation into the kidnaping, but were unable to identify the perpetrators (see Sections 1.e. and 4).

There were no developments in the case of 12 persons who disappeared (and are presumed dead) in Java during a series of kidnapings of opponents of the Soeharto regime carried out by Army Special Forces (Kopassus) personnel in 1997 and 1998. However, the police conducted an investigation into the 1996 PDI incident in which 16 persons disappeared, and submitted cases to the Attorney General's Office (see Section 1.a.). No new information emerged on the fate of the 16 missing persons by year's end.

In Aceh armed separatists often abduct army members, police personnel, civil servants, and others, although they do not always acknowledge responsibility for these incidents. Militia groups are believed to have killed some civilians based on suspicions that they were collaborators or informants of the security forces.

In Irian Jaya, the six plantation employees who were abducted in July 1999 near Arso remained missing.

Kidnaping of children for ransom is a recent and reportedly growing phenomenon. In October a man was arrested for kidnaping three children from wealthy families living in the Jakarta area; one child was murdered after his parents failed to pay the ransom.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession; however, in practice legal protections are both inadequate and widely ignored, and security forces continued to employ torture and other forms of mistreatment, particularly in regions where there were active security concerns, such as Aceh and Irian Jaya. Police often resort to physical abuse, even in minor incidents.

In Aceh army and police officials routinely use excessive force and violence when investigating attacks by armed separatists. Police and army personnel also routinely respond to attacks on soldiers by engaging in indiscriminate violence against bystanders. For example, on March 18, Brimob units beat and otherwise abused at least 20 villagers in Gulampang Tiga, Pidie district, apparently while searching for a prominent GAM leader. In August after a soldier was shot in Idi Rayeuk's central market, troops fired indiscriminately, beat many bystanders, and burned over 60 market stalls. Soldiers beat or shot over 100 persons during the incident, including 3 children who were shot. An army commander later publicly apologized for the troops' actions; however, there were no reports of personnel being held accountable for the Idi Rayeuk incident. In October police allegedly shot 1 man and burned 150 market stalls after rebels attacked police in the regency of Pidie. Police denied responsibility for the shooting and burning.

There were numerous credible reports that the army and police continued routinely to torture detainees in Aceh. For example, on August 27, police detained three local workers of the international NGO Oxfam, and beat them while they were detained. According to Amnesty International, police pulled out one worker's fingernails and burned him with cigarettes. Amnesty International also reported that on September 5, in Meukek subdistrict, Brimob detained Amrisaldin, a volunteer worker with the humanitarian organization SAVE Emergency for Aceh (SEFA). Police released Amrisaldin on September 6, after they reportedly punched him, kicked him, and slashed him with a knife. Police allegedly also threatened him with death and burned his pubic, chest, and armpit hair with matches. On September 19, in Banda Aceh, police arrested three leaders of the student NGO Aceh Referendum Information Center (SIRA) and beat them with rifle butts, cables, and belts while they were in custody (see Sections 1.d. and 4). Methods of torture documented in the past include beating, whipping, electric shock, and rape.

There were numerous credible reports that police assaulted persons detained in Irian Jaya after violent clashes in Wamena in October, Merauke in November, and Jayapura in December. In the Jayapura case, police detained and beat, often severely, over 100 persons following an attack on a police station, including 19 persons between the ages of 7 and 18. Two Papuan students died of injuries inflicted by the police, and a third student was shot and killed (see Sections 1.a. and 5).

On March 7, in an isolated area of North Aceh's Matangkuli subdistrict, a group of armed men in army fatigues raped 4 women and sexually molested 12 others; they also beat severely 6 men and robbed their families; no persons had been charged by year's end. The trial for the rape of Sumiati, an Acehnese woman allegedly raped by a TNI soldier, did not begin by year's end; Sumiati's rape case is one of five human rights trials that the special commission was scheduled to hear (see Section 1.a.). No charges were brought in the August 1999 rape of nine Acehnese

women in Kecamatan Tangse Selatan, Pidie district, for which TNI soldiers allegedly were responsible.

There are allegations that prointegration East Timorese militias in West Timor are holding East Timorese women as "sex slaves" (see Section 5). In November 33 pregnant East Timorese women returned to East Timor and claimed that the TNI had abducted them and forced them to serve as their sex slaves in West Timor. No one was held accountable for the numerous acts of rape and sexual abuse that TNI-supported militia groups perpetrated against displaced East Timorese women in 1999.

On June 17, a mob of approximately 65 East Timorese IDP's assaulted UNHCR staff, including UNHCR West Timor Director Craig Sanders, at the Noelbaki camp near Kupang. One demonstrator smashed the windshield of the vehicle in which Sanders was riding with a machete. No UNHCR staff members were injured. Although the security forces were present, they did not intervene to prevent the violence. The army apprehended nine suspects and handed them over to the police, who promptly released them without taking any action.

In January the Minister of State for Women's Empowerment said that the Government would follow up on the recommendations of the joint factfinding team (TGPF) that investigated the May 1998 civil unrest that struck Jakarta and other cities. The team's report, issued in November 1998, found evidence that some elements of the army may have been involved in provoking the violence, which included attacks against Sino-Indonesian women, and urged further investigation of the at least 85 instances of violence against women that the team verified. However, no further investigations have taken place (see Section 5).

There were instances in which security forces responded with brutality to peaceful demonstrations, although they usually allowed peaceful demonstrations to proceed without resorting to force. In January police wounded 13 persons, some with gunshots, when they forcibly dispersed persons protesting inadequate compensation for land acquired for a resort on Bintan Island near Singapore. In at least six instances in Irian Jaya during the year, police attempted to break up peaceful demonstrations in which Papuans raised the Papuan independence flag, and when Papuans resisted, police responded with excessive force, killing and injuring demonstrators (see Sections 1.a., 2.a., 2.b., and 5).

Security forces often responded forcefully when demonstrators wielded canes, threw stones or Molotov cocktails, or tried to break through police lines. Such responses occurred on several occasions during the year when demonstrators sought to approach former President Soeharto's residence to protest the Government's failure to bring him to justice for his actions while in office.

KONTRAS reported that during the first 11 months of the year, the police were responsible for 872 serious human rights violations nationwide, the bulk of them in Aceh province. Police violations included 26 instances of forced disappearance, 140 extrajudicial killings, 408 cases of torture or inhumane treatment, and 298 arbitrary detentions. According to KONTRAS, joint police and military operations were responsible for an additional 64 violations, and the armed forces themselves were responsible for 21 violations.

Police entered and caused property damage to the building housing the Indonesian Legal Aid Foundation (YLBHI) and Jakarta Legal Aid Society (LBH) on two occasions in which they pursued demonstrators who sought refuge in the LBH building. Police broke windows and damaged cars with rocks, nightsticks, and bullets during the incidents.

In May a group of approximately 55 East Timorese persons ransacked the Jakarta office of the NGO People's Solidarity with East Timor (Solidamor), injuring two Solidamor staff members, one of whom required hospitalization. The attackers smashed office equipment, smeared blood on the porch, and stole approximately \$2,400 (Rp. 22.8 million) in cash from the office. Police detained four of the attackers for 24 hours, but no attackers were charged.

On July 1, a group of East Timorese IDP's vandalized several West Timorese schools approximately 12 miles outside Kupang, near Oesau. They reportedly were unhappy with the low school grades their children had received. Later the same day a group of East Timorese militia members wearing camouflage and ninja masks, armed with grenades and possibly automatic weapons, burned 16 buildings that housed over 40 West Timorese families in Oesau. Local residents believe that the attackers were former soldiers from East Timorese territorial infantry battalions 744 and 745.

On August 22, East Timorese militias beat and severely wounded two UNHCR staff members at the Naen camp near Kefamenanu, West Timor. The UNHCR staff had been invited to the camp to distribute shelter supplies when a machete-wielding man attacked them and a mob stoned them.

A series of bombings occurred in Jakarta, Medan, and other cities during the year (see Section 1.a.). Targets included churches in Medan (see Section 5), the Attorney General's Office in Jakarta, the Philippines Ambassador's residence, the Malaysian Embassy, a bus near the building where former President Soeharto's corruption trial was held, the Jakarta Stock Exchange, the office of KONTRAS (see Section 4), the Jakarta Governor's residence, and a Jakarta hotel. An apparently coordinated series of bombings at or near churches in 9 cities on the night of December 24 killed 18 persons and wounded numerous others (see Sections 1.a., 2.c., and 5). Except for the case of the Stock Exchange bombing, no suspects were apprehended by year's end.

In June the Islamic Defenders' Front (FPI) attacked and vandalized KOMNASHAM's office to protest the Commission's findings following an investigation of the 1984 Tanjung Priok killings (see Sections 1.a. and 4). FPI members, who alleged that "immoral" activities were occurring within the establishments, openly ransacked restaurants and nightclubs in several neighborhoods of Jakarta, injuring patrons of the establishments in the process. No FPI members were investigated or charged, despite the fact that criminal trespass and vandalism are violations of the Criminal Code. Several Islamic groups threatened Western persons and conducted "sweeping" operations at hotels and other public venues in Solo, Central Java, in late October and early November to drive such persons out of the city. Police questioned members of Islamic groups about these threatening activities, but no further action was taken against the perpetrators.

Prison conditions are harsh, with mistreatment and extortion of inmates by guards and violence among prisoners common. The incidence of mistreatment drops sharply once a prisoner is transferred from police or military custody into the civilian prison system or into the custody of the Attorney General. Credible sources report that criminal prisoners in some facilities are beaten routinely and systematically as punishment for infractions of prison rules and to extract information about other prisoners. Punishments have included the use of electric-shock batons and the stapling of the ears, nose, and lips. In June a dispute between prisoners led to rioting by hundreds of inmates at the Bulak Kapal Prison east of Jakarta. Prison guards shot and wounded five inmates, and prisoners stabbed two guards during the incident. Prison authorities acknowledged that overcrowding was a factor in the riot (the prison was built for 300 inmates but held 531 persons at the time). In July police questioned three prison guards at Jakarta-area prisons who were suspected of drug trafficking in the prisons. Former inmates at Jakarta's Cipinang Prison told the press in November that drug use among prisoners is common, and that inmates can obtain drugs, better treatment, and better conditions by bribing guards.

The Government generally does not permit routine prison visits by human rights monitors, although some visits occasionally are permitted.

The International Committee of the Red Cross (ICRC) was able to visit identified prisoners and detainees of concern during the year (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The Criminal Procedures Code contains provisions against arbitrary arrest and detention, but it lacks adequate enforcement mechanisms, and authorities routinely violate it. The code specifies that prisoners have the right to notify their families promptly and that warrants must be produced during an arrest except under specified conditions, such as when a suspect is caught in the act of committing a crime. The law authorizes investigators to issue warrants to assist in their investigations or if sufficient evidence exists that a crime has been committed. However, authorities sometimes made arrests without warrants.

The law presumes that defendants are innocent and permits bail. They or their families also may challenge the legality of their arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained. However, it virtually is impossible for detainees to invoke this procedure, or to receive compensation after being released without charge. In both military and civilian courts, appeals based on claims of improper arrest and detention rarely, if ever, are accepted. The Criminal Procedures Code also contains specific limits on periods of pretrial detention and specifies when the courts must approve extensions, usually after 60 days.

The authorities routinely approve extensions of periods of detention. In areas where active guerrilla movements exist, such as Aceh and Irian Jaya, there are many instances of persons being detained without warrants, charges, or court proceedings. Bail rarely is granted. The authorities frequently prevent access to defense counsel while suspects are being investigated and limit or prevent access to legal assistance from voluntary legal defense organizations. Special laws on corruption, economic crimes, and narcotics are no under the Criminal Code.

In March President Wahid abolished the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS), which had operated

outside the legal code and had wide discretion to detain and interrogate persons who were perceived as threats to national security.

Security forces frequently detained participants suspected of inciting demonstrations, although most were released after questioning (see Section 2.b.). In November police in East Kalimantan arrested Wuaya Kawilarang, a regional coordinator for the Indonesian Prosperity Trade Union (SBSI), for investigation of charges that he incited workers at a large oil and gas operation to violence. He remained in detention at year's end (see Section 6.b.).

There are no reliable data on the number of arbitrary arrests or detentions without trial, particularly in Aceh and Irian Jaya, but there is ample evidence that arbitrary arrests and detention without trial are employed systematically in Aceh.

During the year several Acehnese were detained pending trial on political charges. Police arrested Muhammad Nazar, the chairman of the Information Center for a Referendum in Aceh (SIRA), on November 20 on charges of inciting hatred (see Sections 1.a. and 4). He remained in detention at year's end.

Police detained numerous persons in Irian Jaya after violent clashes in Wamena in October, Merauke in November, and Jayapura in December (see Sections 1.a., 1.c., and 5). In March the regional police command for Irian Jaya investigated criminal charges against 16 leading members of the Papuan Presidium Council for crimes against the security of the state and public order, based on claims that they had organized a gathering of Papuan community leaders in February and a peaceful Papuan independence flag-raising on December 1, 1999. The investigation against some of the 16 persons later was dropped; however, in November police arrested the chairman, secretary general, and three other Papuan Presidium Council members on the same charges (see Sections 2.a. and 5). On December 1, police arrested seven persons during a demonstration in front of a foreign embassy to draw attention to human rights violations in West Papua (Irian Jaya) and to press for an international dialog to resolve the Papuan issue. Four of the detainees remained in police custody at year's end. On December 15, police detained the director of the Institute of Human Rights Study and Advocacy in Papua (ELS-HAM Papua) for 22 hours (see Section 4). In mid-December, 17 Papuan activists went on trial in Wamena on charges of endangering state security by promoting separatism. The trial was continuing at year's end.

Several foreign tourists have been subject to arbitrary arrest and detention while traveling in Irian Jaya. In most cases, travelers who take photographs are accused of being journalists without proper journalist visas and are detained and deported. In one case, a person was held without formal charges for 2 weeks before being deported; although no formal charges were filed and he never was served with a deportation order, high-ranking government officials publicly alleged of espionage at the time of his deportation, although they later retracted these accusations. In December police arrested a foreign journalist who did not have the proper visa (see Section 2.a.).

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, in practice the judiciary is subordinated to the executive and the military. Pursuant to a 1999 law, a gradual transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court is taking place over a period of 5 years. However, judges currently are civil

judges appointed to 5-year terms by the President upon nomination by the Supreme Court. Although cases are appealed to the standing High Court and Supreme Court, the law requires that those courts include three human rights judges on an ad hoc basis on the five-member panel when hearing human rights cases. The law provides for internationally-recognized definitions of genocide, crimes against humanity, and command responsibility as core elements of gross human rights violations. However, it does not include war crimes as defined in the 1949 Geneva Conventions as a gross violation. The law strengthens the powers of the Attorney General, who is the sole investigating and prosecuting authority in cases of gross human rights violations, and who is empowered to appoint ad hoc investigators and prosecutors. The law also empowers the Attorney General (as well as the courts) to detain suspects or defendants for multiple fixed periods in cases of gross human rights violations. However, the law requires the extension of any detention of alleged violations to be approved by the human rights court. For gross human rights violations that occurred before the enactment of the law, the law allows the President, with the recommendation of the DPR, to create an ad hoc bench within one of the new human rights courts to hear cases associated with a particular offense.

Defendants have the right to confront witnesses and to produce witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases, sworn affidavits may be introduced. State prosecutors are reluctant to use existing legal powers to plea bargain with defendants or witnesses, or to grant witnesses immunity from prosecution. As a result, witnesses generally are unwilling to testify against the authorities. The courts commonly allow forced confessions and limit the presentation of defense evidence. Defendants do not have the right to remain silent and can be compelled to testify against themselves.

The Criminal Procedures Code gives defendants the right to an attorney from the time of arrest, but not during the prearrest investigation period, which may involve prolonged detention. Persons summoned to appear as witnesses in investigations do not have the right to legal assistance even if information developed during testimony subsequently becomes the basis of an investigation of the witness. The law requires counsel to be appointed in capital punishment cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, an attorney must be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, such as that provided by the Indonesian Legal Aid Foundation. However, in practice defendants often are persuaded not to hire an attorney, or access to an attorney of their choice is impeded.

In many cases, procedural protections, including those against confessions coerced by the security forces or police, are inadequate to ensure a fair trial. Corruption is a common feature of the legal system, and the payment of bribes can influence prosecution, conviction, and sentencing in civil and criminal cases.

Despite the beginning of the transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court, there were few signs of judicial independence. The Courts continued to be used to take action against, or deny legal remedy to, political activists and government critics.

During the year, victims of human rights violations sought for the first time to use the courts to obtain redress. In July the People's Democratic Party sued former President Soeharto and 13 other former senior officials for damages associated with the imprisonment of party leaders, the banning of the party, and the destruction of its property. The suit still was being heard at year's end. In addition four members of the Agrarian Reform Consortium (KPA) sued the police in Jakarta for forcibly removing them from a peaceful demonstration and hunger strike that they were conducting inside the Parliament building in Jakarta. After being forcibly removed, they later were kidnaped and threatened by unknown persons (see Sections 1.b. and 4). A district court dismissed the suit, but an appeal to the High Court still is pending.

President Wahid released all remaining political prisoners from the Soeharto and Habibie eras in December 1999. No new persons were convicted on political charges during the year.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption; however, security agencies regularly made forced or surreptitious entries into homes and offices. In August a person claiming to be a representative of an international organization entered the Jakarta office of an international NGO involved in media issues and took a laptop computer but no other valuables. Unknown persons also surreptitiously entered the residence of the NGO's director and made intimidating telephone calls to staff members. The cir-

cumstances of these incidents suggested that members of the security forces were involved. Security forces also commonly engage in surveillance of persons and residences and selective monitoring of local and international telephone calls without legal restraint.

The Government and DPR discussed implementing the Law on Overcoming Dangerous Situations, which the DPR approved in September 1999 but which the President never signed. The law would allow the military to conduct search and seizure operations for weapons during a declared state of emergency without a warrant but would require that such searches be reported to the courts within 24 hours. In November the Cabinet decided to further postpone implementation of the law to permit additional discussion and possible amendments.

Government security officials monitor the movements and activities of former members of the Indonesian Communist Party (PKI) and its front organizations, especially persons whom the Government believes were involved in the abortive 1965 coup. These persons and their relatives sometimes are subjected to surveillance, required check-ins, periodic indoctrination, and restrictions on travel outside their city of residence. They also are required to have official permission to change their place of residence. The requirement that "E.T." ("Ex-Tapol" or political prisoner) be stamped on the identification cards of these prisoners was ended officially in 1995, although in practice it continued to be used in many cases. At least some individuals who had E.T. stamped on their identity cards were able to have the stamp removed. This stamp has been used by the Government to monitor the activities of these persons, allowing the Government and prospective employers to identify alleged former PKI members, thereby subjecting them to official and unofficial discrimination. Even when the stamp has been removed, these former political prisoners continue to face discrimination and restrictions on employment.

Under the government-sponsored transmigration program, large numbers of persons were moved voluntarily from overpopulated areas to more isolated and less developed areas (this program began during the Dutch colonial period and has been carried out more or less continuously since then). It also was used to resettle local populations within East Timor and Irian Jaya. However, the Government reduced its support after the economic downturn that began in mid-1997, and in December Minister of Manpower and Transmigration Alhail Hamdi announced that since August the Government had stopped sending transmigrants between islands. He said that henceforth the Government only would support transmigration within the same province. Human rights monitors state that in general the transmigration program violates the rights of indigenous people and deceives some transmigrants into leaving their home villages without any means of return. Human rights activists also have claimed that a number of those resettled are persons who have been forced off lands that are coveted by developers who have collusive arrangements with the Government or security forces. Conditions at some relocation sites are life-threatening, with inadequate measures to protect the transmigrant population against diseases endemic to the sites. In June 68 transmigrant families left their camp in Bonggo subdistrict, Irian Jaya, because of poor living and agricultural conditions, disease, and inadequate support from the Government. They told the Legal Aid Society in Jayapura, where they took refuge, that 39 families at the site were suffering from severe malnutrition, and that lack of health care facilities contributed to a high disease and mortality rate. Police detained several of the transmigrants briefly, calling them "provocateurs" when meeting with NGO's and the press to discuss their situation. Transmigrants and migrants outside of the Government's transmigration program received direct and indirect government support in the form of developmental assistance programs and contracts with the TNI or local government officials. This practice, particularly in Irian Jaya and parts of Kalimantan, led to resentment among indigenous populations, whose members believed that their rights were infringed upon and that they were being discriminated against in the disbursement of development funds to other newly arrived groups that they perceived to be their economic rivals (see Section 5).

The Government used its authority, and at times intimidation, to appropriate land for development projects, particularly in areas claimed by indigenous people, and often without fair compensation (see Section 5).

The Government prohibits the import of Chinese-language publications (see Sections 2.a. and 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The 1945 Constitution contains a general provision for freedom of expression that was strengthened by the MPR's amendment of the Constitution in August, and the 1999 law on human rights provides for substantive protection of press freedom (see Section 1.d.); however, journalists contin-

ued to suffer intimidation and assaults. The Alliance of Indonesian Journalists (AJI) revealed that police had assaulted journalists 105 times during the first 10 months of year.

In 1999 the Parliament enacted a press law that provides for freedom of the press, prohibits censorship, and prescribes penalties for anyone who violates these rights. However, the law requires the press to report events and opinions "with respect to religious and moral norms of the public," and to adhere to the presumption of innocence. Press companies that violate this provision can be fined up to \$55,000 (Rp. 500 million). Advertising that degrades the dignity of certain religions or creates disorder among diverse religions, is contrary to public morality, refers to addictive substances or displays cigarettes, is prohibited. The law established a Press Council to create and enforce a code of journalistic ethics. The Council consists of journalists nominated by journalist associations, representatives of press companies, and public figures nominated by journalists and press companies. President Wahid signed a decree in May that appointed members of the Council. The 1999 law replaced previous press laws that were viewed as being more restrictive of press freedom.

On December 3, in Irian Jaya, police arrested a Swiss reporter, Oswald Iten, for photographing a clash between separatists and security forces in the province and detained him on suspicion of violating the country's immigration laws by reporting without a press visa (see Section 1.d.). Police threatened Iten with a 5-year jail term. They released him on December 14.

In September the Film Censor Board (LSF) issued a circular to television stations stating that recorded talk shows that discuss social and political topics must be reviewed by the Board before they are broadcast. Media figures and legal experts said that the circular had no legal standing because it conflicted with the 1999 Press Law, which forbids censorship of the press. Some observers called for the abolition of the LSF.

During the year, the media often exercised press freedom with detailed and aggressive reporting on corruption, political protests, national unrest, the trials of former President Soeharto and members of his family, public debate between President Wahid and the DPR, and the DPR and MPR sessions. Domestic press and television coverage of West and East Timor highlighted the statements of government officials and prointegration leaders, and uncritically conveyed the government (prointegration) view on most issues, in many cases actively seeking to discredit UNTAET. However, the media did provide extensive coverage of the findings of the Attorney General in East Timor (see Sections 1.a, 1.c., 4, and 5). UNTAET's versions of events and reports of abuses by the militias appeared occasionally.

Since the abolition of the Department of Information in 1999, most editors believe that the Government no longer requires a license to publish a newspaper or magazine because there no longer is a controlling body to receive reports.

The Government operates a nationwide television network with 12 regional stations. Private commercial television networks, most with ownership by, or management ties to, former President Soeharto's family, continued to flourish. All are required to broadcast government-produced news, but they also broadcast news and public affairs programming independently. Television networks increased their news coverage during the year, including extensive coverage of the DPR and MPR sessions.

Over 1,000 private radio broadcasting companies exist in addition to the Government's national radio network. They all were required to belong to the government-sponsored Association of Private Radio Stations in order to receive broadcast licenses. The Government radio station, Radio Republik Indonesia (RRI), produces the program "National News." Private radio stations and 53 regional government network affiliates relay the news programming throughout the country.

Regulations issued by the Government in 1998 reduced the number of compulsory government RRI programming broadcasts from 14 to 4 per day. While private radio stations in the provinces generally adhered to the Government's requirement, many private radio stations in larger urban areas broadcast the RRI program only once per day. The regulations allowed stations to produce their own news programs, and many have done so. Candid live coverage of demonstrations and other breaking stories increased markedly during the year. Moreover, "talk radio" call-in programs regularly address timely political and socioeconomic issues.

Foreign television and radio broadcasts are readily accessible. Satellite dishes and cable television networks have proliferated throughout the country, and there is unrestricted access to the Internet. The Government made no effort to restrict access to satellite programming and has proclaimed an "open skies" policy. Foreign periodicals circulate widely without censorship. The authorities have delayed distribution of publications by a day or more, although this is rare. The Government restricts the import of Chinese-language publications and music (see Sections 1.f. and 5).

There are seven locally-published Chinese language newspapers. In November a new independent television station, Metro TV, began broadcasting 2 hours of news in Mandarin per day. The program was the first Chinese-language television broadcast in the country since 1965.

The Government regulates access to the country by visiting and resident foreign correspondents, particularly to areas of unrest. It occasionally reminds the latter of its authority to deny requests for visa extensions. Special permission is necessary for foreign journalists to travel to Aceh and Irian Jaya. In February in West Timor, police detained three Portuguese television journalists for 3 days and harassed them before forcing them to leave the country. In June the Government lifted the ban on travel to the country of a foreign-based NGO representative and an international newsmagazine reporter.

The Government requires a permit for the import of foreign publications and videotapes, which must be reviewed by government censors. Significant amounts of material bypass customs and censorship procedures.

Most books by the prominent novelist and former political prisoner Pramoedya Ananta Toer remain banned, although some are in circulation. According to a study published in the newspaper Kompas, from 1969 to 1998 the Government banned 199 books, approximately 50 percent for religious reasons, 30 percent for political reasons, and 20 percent for ideological reasons. However, bookshops—especially “alternative bookstores” at university campuses and cultural centers—openly sell many new and newly reprinted titles. The Government banned no additional books during the year; however, protests from Islamic groups prompted a publisher to remove books by the religious philosopher Anand Krishna from bookstores. Media and human rights NGO’s criticized the calls to withdraw the books from circulation as a violation of freedom of expression.

The 1999 law on crimes against the State (see Section 1.d.) prohibits persons from disseminating or developing the teachings of communism, or from seeking to eliminate or replace the state ideology of Pancasila in a way that causes harm to persons or property.

In January police and TNI troops began rounding up youths in South Aceh and ordering them to take down proreferendum banners and to clean referendum graffiti off of streets and walls. The investigation against some of the 16 persons later was dropped. In Aceh security forces shot and wounded a youth in August who was suspected of displaying the Free Aceh Movement (GAM) flag on the country’s independence day (August 17). In early December a police officer in Aceh announced a ban on the flying of the Free Aceh Movement flag, and said that the police would deal harshly with those who defied the ban.

During the first 6 months of the year, the Government generally tolerated the flying of Papuan independence flags in Irian Jaya. In March the police investigated charges against 16 persons for crimes partly related to their support of a peaceful Papuan independence flag-raising on December 1, 1999. However, in late September new National Police Chief Suryo Bimantoro ordered all Papuan independence flags to be taken down, and police efforts to remove flags forcibly sparked violent clashes with Papuans (see Sections 1.a., 1.c., 1.d., and 5). In November the regional police command for Irian Jaya revived criminal charges against five Papuan Presidium Council leaders for crimes against the security of the State and public order, based in part on evidence that they had organized a peaceful Papuan independence flag-raising.

The law provides for academic freedom, and there are no significant constraints in practice on the activities of scholars. Political activity, open discussions, and blunt criticism of the Government at universities continued to flourish during the year.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government places significant controls on the exercise of this right. The Government promulgated regulations in 1995 that eliminated the permit requirements for some types of public meetings; however, a requirement to notify the police remained in effect for most other meetings, and in practice many public meetings were dispersed forcibly, sometimes with lethal force (see Sections 1.a. and 1.c.). The vast majority of public gatherings and demonstrations, which have proliferated rapidly since President Soeharto’s resignation in 1998, occurred without any official interference.

The 1998 law on freedom of expression requires that demonstrators notify the police 3 days in advance and appoint someone accountable for every 100 demonstrators. The law restricts demonstrations near specific sites. Nevertheless, frequent demonstrations are held in Jakarta and around the country with or without official permission. The Government previously had invoked the law to detain and try demonstrators in Jakarta and elsewhere; however, no such trials occurred during the

year. Participants in several demonstrations were killed and suffered injuries when security forces seeking to disperse crowds shot, beat, and kicked demonstrators (see Sections 1.a. and 1.c.). In November police and army troops who were attempting to prevent Acehnese from attending a rally in Banda Aceh calling for a referendum on Acehnese independence killed over 20 persons (see Section 1.a.). Police also broke up several peaceful demonstrations in Irian Jaya. In at least six instances, police broke up peaceful demonstrations in which Papuans raised the Papuan independence flag and, after demonstrators resisted, killed and injured many demonstrators (see Sections 1.a., 1.c., 2.a., and 5).

In January police wounded 13 persons while forcibly dispersing persons who were protesting inadequate compensation for land that the Government appropriated for a resort on Bintan Island (see Section 1.c.).

The Constitution provides for freedom of association; however, the Government places significant controls on the exercise of this right. The 1985 Social Organizations Law (ORMAS) requires the adherence of all organizations, including recognized religions and associations, to the official ideology of Pancasila. This provision, which limits political activity, is widely perceived to be designed to inhibit the activities of groups that seek to engage in democratic political competition, to make Indonesia an Islamic state, to revive communism, or to reintroduce partisan ideological division into the country. It empowers the Government to disband any organization that it believes to be acting against Pancasila, and it requires prior government approval before any organization can accept funds from foreign donors.

The Government announced late in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more persons of all organizations outside offices or normal work sites. However, in practice this regulation continues to apply to union meetings (see Section 6.a.).

The 1999 Law on Crimes Against the State (see Sections 1.d. and 2.a.) prohibits the formation of organizations that "are known to or are properly suspected" of embracing the teachings of Communism/Marxism/Leninism "in all its forms and manifestations."

c. Freedom of Religion.—The Constitution provides for religious freedom for members of five out of six officially-recognized religions and belief in one supreme God, and the Government generally respects these provisions; however, there are some restrictions on certain types of religious activity, including unrecognized religions.

Although the population is over 85 percent Muslim, the practice and teachings of five out of six officially-recognized religions generally are respected, and the Government actively promotes mutual tolerance and harmony among them. The law states that the Government "embraces" Islam, Protestantism, Catholicism, Buddhism, Hinduism, and Confucianism. Presidential Decree 6/2000, promulgated in January, repealed the ban on the practice of Chinese religion (Confucianism), its beliefs, and its customs (Presidential Decree 14/1967). After the January passage of Presidential Decree 6/2000, Confucianists were permitted to celebrate publicly the Chinese New Year for the first time in over 30 years. A Ministry of Interior Circular (No. 477/805), issued in late March, permits Confucianism to be listed as a religion on marriage license applications, allowing Confucian marriages to be recognized and registered officially in the country. However, not all communities have implemented the new guidelines. While the law formally "embraces" only these religions, it explicitly states that other religions, including Judaism, Zoroastrianism, Shintoism, and Taoism are not forbidden. The Government permits the practice of the mystical, traditional beliefs of "Aliran Kepercayaan." Some religious minorities, including the Baha'i and Rosicrucians, were given the freedom to organize in May when Presidential Decree 69/2000 revoked Presidential Decree 264/1962, which had restricted their activities. The MPR adopted a Human Rights Charter in 1998 that provides citizens the freedom to practice their religion without specifying any particular religion.

A 1976 decision by the Attorney General, reinforced by a separate decision by the same office in 1978, banned Jehovah's Witnesses from practicing their faith. Open practice of the faith remains banned, and members report that they continue to experience difficulty registering marriages, enrolling children in school, and in other civil matters. Jehovah's Witnesses claim that Trinitarian Christians instigated the Government bans. Mainstream Christian leaders have influenced government policy to be biased against more conservative Christians.

Members of the Bahai faith did not report problems during the year. The Government in some provinces has banned the messianic Islamic sect Darul Arqam; the Government also bans the AlMa'Unah school in some provinces. The Government closely monitors Islamic groups considered to be deviating from orthodox tenets, and in the past has dissolved some groups. Historically, the Government has tried to control Muslim groups whose practices deviate from mainstream Islamic beliefs be-

cause of pressure by nongovernmental leaders of mainstream or conservative/traditional Muslim groups as well as the Government's concern for national unity. A proposal to implement Islamic law failed to gain the MPR approval in August. President Wahid voiced strong opposition to the proposal, arguing that its implementation would threaten national unity.

The legal requirement to adhere to Pancasila extends to all religious and secular organizations. Because the first tenet of Pancasila is belief in one supreme God, atheism is forbidden. Although individuals are not compelled to practice any particular faith, all citizens must be classified as members of one of the officially recognized religions. As this choice must be noted on official documents, such as the identification card, failure to identify a religion can make it impossible to obtain such documents. The Government strongly opposes Muslim groups that advocate establishing an Islamic state or acknowledging only Islamic law.

President Wahid has continued to emphasize harmony, tolerance, and mutual respect among different religious communities. Other high-level officials continued to make public statements and emphasized by example the importance of respect for religious diversity. However, some lower level officials continued to show reluctance to facilitate and protect the rights of religious minorities.

Religious violence and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations that officials were complicit in some of the incidents or, at a minimum, allowed them to occur with impunity. There were numerous instances of attacks on churches, mosques, temples, and other religious facilities during the year (see Sections 1.a. and 5). The most widespread interreligious violence occurred in the Moluccas, where well over 100 houses of worship were damaged or destroyed and thousands of persons were killed as Christians and Muslims engaged in mutually-destructive violence. On Keswui and Teor Islands in Maluku, hundreds of Christians converted to Islam in November and December to save their lives (see Section 5). The Government continued to be reluctant to intervene in mob attacks on houses of worship and proved ineffective in controlling the violence in North Maluku and Maluku provinces; however, governmental efforts to respond to communal violence in the provinces of Sulawesi generally were more effective (see Section 5).

In North Maluku and Maluku provinces, Christian sources alleged that elements of the security forces were biased against them. For example, predominantly Muslim units dispatched from Java and Sulawesi allegedly sided with Muslim vigilantes and used excessive force against Christians. In other instances, security forces appeared to be biased against Muslims. Muslims on Ambon claimed that members of the predominantly Christian police force sided with their coreligionists. However, there was no evidence to suggest that the security forces, as an institution, supported either. Some individuals and some units occasionally sided with their coreligionists, but their actions appeared to be random and contrary to orders. Some military troops were detained and interrogated for allegedly openly siding with militia in at least one episode on Haruku; however, there were no reports that such perpetrators ever were punished. Several hundred police officers have themselves been attacked and some even killed because of their religion; hundreds of police members and their families, and numerous other government officials, are among the country's IDP's.

The Government formed a special interagency team to investigate the December 24 bombings on Christian churches, and an NGO has formed a joint fact-finding team with the Government to investigate the Christmas Eve church bombings (see Sections 1.a., 1.c., and 5).

According to many Christian officials, the anti-Christian sentiment behind the violence in the Moluccas, Sulawesi, and elsewhere is not new, but the impunity associated with such acts is. They claim that such impunity has contributed significantly to the attacks that have occurred since Soeharto resigned in May 1998. The Government did not investigate fully most cases of attacks on religious facilities that occurred during riots, and in other cases, did not investigate such incidents at all.

A 1969 regulation provides that before a house of worship may be built, consent must be obtained from local residents living near the site, and a license must be obtained from the regional office of the Department of Religion. Some Christians claim that this regulation is used to prevent them from building churches and rebuilding damaged religious facilities. Despite these alleged problems, the building of churches continued.

The law allows conversion between faiths, and such conversions do occur. Independent observers note that it has become increasingly difficult to obtain official recognition for interfaith marriages between Muslims and non-Muslims. Persons who are not members of one of the five accepted religions also have difficulty in obtaining official recognition of their marriages.

The Government views proselytizing by recognized religions in areas heavily dominated by another recognized religion as potentially disruptive and discourages it. Foreign missionary activities are relatively unimpeded, although in Irian Jaya, and occasionally elsewhere, missionaries have experienced difficulties and delays in renewing residence permits. In addition visas allowing the entrance of new foreign clergy are difficult to obtain. Laws and decrees from the 1970's limit the number of years that foreign missionaries may spend in the country; some extensions were granted in remote areas like Irian Jaya. Foreign missionary work is subject to the funding stipulations of the Social Organizations Law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law permits the Government to bar persons from either entering or departing the country, and the Government continued to restrict freedom of movement to a limited extent. In 1999, according to Department of Justice information quoted in the press, the Government maintained a list of 3,665 foreigners who are barred from entering the country, and 417 citizens who are prohibited from leaving the country. Five prominent Papuan leaders who were barred from leaving the country in August 1999 (see Section 5) subsequently were allowed to travel abroad; however, some of them only were able to travel after foreign governments made high-level representations on their behalf.

The Government also restricts movement by citizens and foreigners into and within parts of the country. The 1999 Law on Overcoming Dangerous Situations (see Section 1.f.) also would allow the military to limit land, air, or sea traffic, to prohibit migration into and out of areas, to order relocation of persons outside areas, and to order house arrest in a declared state of emergency. However, this law has not been signed by the President and still is under discussion in the DPR.

The Government must approve the assignment of staff members of foreign institutions that implement technical cooperation programs, including NGO's, before they are allowed to enter the country. Foreign consultants and foreign assistance staff, particularly those working in sensitive parts of the country such as Aceh, Irian Jaya, and the Moluccas, must be cleared by the Intelligence Coordination Agency (BAKIN) before their assignments can be approved by the State Secretariat (see Section 4).

On June 23, President Wahid announced a ban on all travel to Maluku and North Maluku provinces; however, the ban was not enforced effectively. On June 26, the President declared a state of civil emergency for both provinces. The emergency decree, originally in place for 90 days, was extended indefinitely (see Sections 1.a., 1.c., 2.c., and 5).

The Government requires that individuals obtain permits to work in certain areas, primarily to limit further population movement to crowded cities. Special permits are required to visit certain parts of Irian Jaya. Although former political prisoners associated with the abortive 1965 coup no longer are officially required to carry the stamp "E.T." on their identity cards, in many cases, the stamps have not been eliminated in practice (see Section 1.f.). Among other restrictions, some former prisoners still are required to obtain permission from security and intelligence authorities to move.

Following the August 30, 1999 consultation vote in East Timor, there was credible evidence that in a planned and orchestrated operation, the security forces forcibly removed or compelled to flee a substantial percentage of the 250,000 East Timorese who departed the territory at that time. Over 170,000 of these IDP's have returned to East Timor, but intimidation by East Timorese prointegration militia forces in the camps in West Timor continued to prevent many others from returning (see Sections 1.a. and 1.c.).

All international assistance to the IDP's in West Timor was suspended following the September 6 attack on UNHCR personnel (see Sections 1.a. and 4). The Government's failure to disarm and disband the militias created security conditions unfavorable for the resumption of international assistance. There is evidence that TNI elements have supported the militias with supplies and training, although that support apparently declined toward year's end. The Government's disarmament campaign after the September 6 killings of 3 UNHCR workers in Atambua resulted in the surrender of 103 standard issue weapons. The TNI did not confiscate any weapons by force. Estimates of the number of standard issue weapons that were not surrendered range from 100 to over 1,000. Only toward year's end did the Government begin to take steps to promote the voluntary and safe return of IDP's; for example, by agreeing to settle pension claims for some IDP's who requested repatriation, or resettlement in Indonesia. There is no evidence that the Government is returning forcibly or resettling East Timorese IDP's.

Sectarian violence in the Moluccas has displaced nearly 500,000 persons, which account for about half of the over 1 million IDP's in the country. North Maluku offi-

cials estimate that there are 197,000 IDP's escaping the conflict in North Maluku, and the Diocese of Ambon estimates that conflicts in Maluku province have generated about 289,000 IDP's.

According to the Government's IDP statistics released in August, there were over 20,000 IDP's in North Sulawesi, most of them Christians from North Maluku and Maluku provinces. However, Christian sources claim that there are 60,000 to 100,000 Christian IDP's in North Sulawesi. Since the majority of these IDP's are housed in private residences instead of camps, the Government had not included them in its official data. By mid-November, several hundred Muslim IDP's had returned to their homes in North Maluku. The North Maluku provincial government announced in mid-November that it would return about 178,000 IDP's currently in Ternate, Tidore, and parts of Halmahera to their places of origin before the Ramadan holiday began in the third week of December. However, very few returned by year's end due to Christian resistance in the areas where Muslim IDP's were going to return, and Muslim fears that they would have no means of making a livelihood and that Christians would attack them. The IDP's are almost all Muslims. Christian IDP leaders in North Sulawesi and Jakarta claim that the Government has not actively encouraged Christian IDP's, most of whom are in North Sulawesi, to return to their homes in Ternate and Tidore and other parts of North Maluku. As a result, there are no Christians in Ternate and Tidore, except for a few wealthy Sino-Indonesian Christians who were encouraged to return and international humanitarian aid workers.

There were over 58,000 IDP's in Central Sulawesi, most of whom were Muslims from Poso, Central Sulawesi. Estimates suggest that 20 percent of the Muslim IDP's from Poso may have returned to the area. Most Muslim IDP's remain in camps or other temporary settlements. There were about 17,000 IDP's in South Sulawesi and over 100,000 in Southeast Sulawesi, most of whom were Muslims from East Timor and the Moluccas.

The Government generally has encouraged and assisted foreign and domestic humanitarian aid to the Moluccas and Sulawesi (see Section 4). However, on occasion both Muslim and Christian groups have accused some foreign donors of partiality. The Government has not been particularly effective or helpful in promoting the voluntary and safe return or resettlement of the IDP's in these areas.

In East Java, police forcibly evicted to other areas persons rumored to be practitioners of magic (see Section 1.a.).

An estimated 50,000 Madurese who fled their homes during interethnic violence in 1999 remained in IDP camps in West Kalimantan and Madura (see Sections 1.a. and 5).

Throughout the year, tens of thousands of rural Acehnese temporarily fled their villages and became IDP's. In some cases, IDP's were fleeing security forces that were patrolling the area or otherwise intimidating them (see Sections 1.a. and 1.c.). In other cases, armed separatists terrorized or coerced villagers into becoming IDP's, in part to create international attention and sympathy.

Unrest in Irian Jaya caused numerous persons to leave their homes in Wamena and other areas. Many were migrants from other parts of the country and are believed to have returned to their original provinces. Several thousand Papuan refugees reside in camps in Papua New Guinea.

While the law lacks provisions for dealing with refugees/asylees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government cooperates with the UNHCR, which maintains a regional office in Jakarta. There are a number of Iraqis in the country, some of whom requested and were granted refugee status by the UNHCR. In past years, the Government offered first asylum to over 125,000 Indochinese boat persons. The Galang Island camp was closed in 1996, and by the end of 1999 the last remaining asylum seekers had been repatriated or permitted to settle permanently in the country. The Government has not formulated a policy regarding asylum seekers, but in practice it has respected the principle of not returning asylum seekers to the countries from which they fled.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

In 1999 citizens for the first time successfully changed their government through an open, transparent democratic process, following decades of authoritarian rule. The People's Consultative Assembly (MPR) is constitutionally the highest authority of the State. It meets every 5 years in a "General Session" to elect the President and Vice President in separate secret ballots and to establish the "Broad Guidelines of State Policy" (GBHN), which is intended to serve as a policy plan for the Government. The MPR met in August in the first of its newly instituted "Annual Sessions,"

to consider constitutional amendments and policy recommendations. The 695-member MPR consists of the 500 Members of the House of Representatives (DPR), 130 regional representatives, who are elected by provincial legislatures, and 65 appointed representatives from functional and societal groups. The June 7, 1999 general election, in which 48 political parties participated, was monitored by domestic and international observers and was widely considered open, fair, and free. In October 1999, the newly installed MPR chose Abdurrahman Wahid as President and Megawati Soekarnoputri as Vice President in a transparent process, which was broadcast live on national television. The next round of general and presidential/vice presidential elections is scheduled for in 2004.

The military's significant historical sociopolitical role is to be phased out gradually. Although the police and military formally were separated in July by presidential decree (reinforced in August by an MPR decree), the two institutions continue jointly to hold 38 unelected seats in the DPR and 10 percent of the seats in provincial and district parliaments, in partial compensation for not being permitted to vote. In addition to these appointed legislative positions, active-duty military and police officers also may run for election to government office but, in a significant departure from past practice, are expected to retire (except those appointed to legislative bodies) after they are elected. Retired officers occupy important positions at all levels of government and often retain strong ties to their former institutions. The military and police have agreed to relinquish their appointed seats in the DPR and regional legislatures by 2004, but an MPR decree passed in August allows them to retain seats in the MPR until "not later than 2009. In an apparent effort to blunt demands for an immediate end to their legislative positions, military and police legislators generally have sought to limit their involvement in matters deemed not to affect their core interests.

The legislative branch, which had no independence during the Soeharto era, has moved forcefully to establish its independence from the executive branch. A number of constitutional changes, MPR decrees, and legal changes have enhanced legislative branch authorities, raising some concerns that the balance of power may have shifted too far from the executive branch. The legislative branch has demonstrated its independence through the DPR's aggressive pursuit of its government oversight function, as well as the MPR's success in August in forcing President Wahid to cede more authority over daily government management to Vice President Megawati because of perceived inefficiency and inconsistency in the Wahid Administration's implementation of policy. During the year, the DPR exercised its right to initiate legislation occasionally, mainly due to cumbersome procedures and a lack of expertise; however, it exercised considerable influence over the final content of bills introduced by the Government.

The MPR is empowered to amend the Constitution and issue decrees, functions that it undertook in the first of its newly instituted "Annual Sessions" held in August. A key demand of the reform movement was an overhaul of the 1945 Constitution, which was perceived to have fostered the development of past authoritarian regimes. In the first amendment of the Constitution, the 1999 MPR passed curbs on executive power including a limit of two 5-year terms for the president and vice president. At the same time, the MPR empowered an ad hoc working committee to consider further amendments and to draft MPR decrees. This effort resulted in the passage of the second amendment to the Constitution during the "Annual Session" in August. Due to limited time and unresolved issues, the MPR did not produce the sweeping restructuring of state institutions many had hoped for, leaving in place inconsistencies resulting from the Constitution's blending of presidential and parliamentary characteristics. However, the second amendment did include many important changes, including provisions for protections of human rights modeled closely on the U.N. Universal Declaration of Human Rights, regional autonomy, and further separation of powers. The working committee is continuing deliberations on further constitutional reforms to be considered during the 2001 and 2002 annual MPR sessions.

The remaining 92 percent of national and 90 percent of regional parliamentary seats that are not occupied by members of the military and police are filled through elections held every 5 years. All adult citizens, except active-duty members of the armed forces, persons in prison convicted of crimes punishable by over 5-years' incarceration, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice, are eligible to vote. Members of the banned Indonesian Communist Party (PKI) may not run for office.

International and domestic monitoring groups and the major political parties accepted the June 1999 parliamentary election as generally free and fair, notwithstanding many technical problems and irregularities, particularly in remote areas. The numerous technical problems, due to inadequate preparations and ambiguities

in the regulations, included inadequate supplies of ballots and reporting forms, poor training of poll workers, confusion over procedures, and insufficient funds to pay poll workers. There were numerous, and in some cases credible, allegations of vote buying and scattered allegations of voter intimidation, particularly in rural areas. In some cases, alleged violations were referred to judicial authorities for legal action; however, in most cases, political parties reached informal solutions among themselves.

The actions of some small party representatives on the General Election Commission (KPU) contributed to a significant delay in validating election results and led to a considerable loss of public faith in the impartiality and integrity of the KPU. In June the DPR amended the 1999 election laws to establish a new and more independent KPU, which currently is being formed through a transparent process that encourages public involvement. Some observers are concerned that the new KPU secretariat will remain administratively dependent upon the Ministry of Home Affairs.

While there are no legal restrictions on the role of women in politics, they are underrepresented in government. The Vice President, Megawati Soekarnoputri, is a woman. Following the August Cabinet reshuffle, 2 of 26 ministers are women. However, there now are fewer women in the DPR and in the MPR than during the Soeharto era. Women represent less than 9 percent of DPR members, a decrease from 13 percent during former President Soeharto's last term. Nonetheless, many women activists argue that the quality of female politicians has improved. Female Members of Parliament announced in mid-October the formation of a non-partisan women's caucus. Surveys have shown that while more than one-third of civil servants are women, less than 6 percent are in positions of authority (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although still subjected to monitoring by and interference from the authorities, domestic human rights organizations were extremely active in advocating that the Government improve its human rights performance. They pressured the Government to investigate human rights abuses, acted as defense counsel in political trials, sought to offer assistance—and in some cases protection—to victims and witnesses of human rights abuses, and urged improvements in government policies and legislation.

At times security force members killed, abused, and detained human rights activists and humanitarian workers, most frequently in areas with active insurgencies. For example, in early August Acehese foreign-resident NGO activist Jafar Siddiq Hamzah disappeared in Medan. His body, which showed signs of torture, was found in early September (see Section 1.a.). On August 27, Brimob officers tortured three staff members of the international humanitarian organization Oxfam (see Section 1.c.). On September 5, police detained and beat a volunteer for Save Emergency for Aceh, a humanitarian organization (see Section 1.c.). During the year, police arrested three leaders of a group that advocates for a referendum on Aceh's political status, beat them while in custody, and later detained the group's chairman (see Sections 1.c. and 1.d.). On December 6, three Acehese humanitarian workers who were assisting torture victims were killed near Lhokseumawe (see Section 1.a.).

On December 15, police summoned the director of Papua's best-known human rights organization, the Institute for Human Rights Study and Advocacy in Papua (ELSHAM), for questioning; police released him on December 16 after nearly 22 hours of questioning. The director was ordered to the station after ELSHAM held a press conference in which it accused the police of the extrajudicial killing of three persons on December 7 (see Section 1.a.).

Four members of an NGO based in Bandung, West Java, that advocates on behalf of dispossessed farmers, claim that they were kidnaped on August 14 (see Sections 1.e. and 4). The office of the Committee for Missing Persons and Victims of Violence (KONTRAS), based in Jakarta, was attacked during a series of bombings in various areas of the country (see Section 1.c.).

Intimidation, threats, and violence toward NGO's escalated in West Timor as the year progressed, greatly hindering humanitarian operations. Intimidation by militias and outright attacks prevented numerous humanitarian organizations that sought to assist refugees in West Timor during the post-consultation period from delivering assistance, particularly around the IDP camps (see Sections 1.a. and 1.c.).

The Government must approve the assignment of staff members of foreign institutions that implement technical cooperation programs, including NGO's, before they are allowed to enter the country (see Sections 2.c. and 2.d.); some NGO's allege that the Government has used this requirement to restrict their activities, especially in sensitive areas.

The Government generally considered outside investigations or foreign-based criticism of alleged human rights violations to be interference in the country's internal affairs. In addition security forces and intelligence agencies tended to view foreign NGO's and international organizations with suspicion and distrust, particularly those operating in conflict areas. Nevertheless, the Government generally encouraged and assisted foreign and domestic humanitarian aid to the Moluccas and Sulawesi, and to other areas. However, on occasion both Muslim and Christian groups accused some foreign donors of partiality (see Section 2.d.).

The ICRC generally was allowed access to identified detainees by civilian and military officials at the central government level. In Aceh the ICRC maintained an office in Lhokseumawe and was allowed to visit known prisoners and others detained by security forces. The ICRC conducted humanitarian operations in Aceh, Central Sulawesi, Maluku, North Maluku, and East and West Timor; however, the Government sometimes hindered ICRC's access to these areas and was slow in accrediting additional staff members.

The government-appointed National Human Rights Commission (KOMNASHAM), in its 7th year of operation, continued actively to examine reported human rights violations and to demonstrate independence from the Government. During the year, Islamic and East Timorese groups physically attacked KOMNASHAM's Jakarta office because of controversy over some of the Commission's findings (see Section 1.c.). Lacking enforcement powers, KOMNASHAM attempts to work within the system, sending teams to inquire into alleged human rights problems. It employs persuasion, publicity, and moral authority to highlight abuses, to recommend legal and regulatory changes, and to encourage corrective action. The Government appointed KOMNASHAM's original chairman, who then appointed the other 24 initial Commission members.

The 1999 Human Rights Law (Law 39/1999) gave KOMNASHAM statutory authority and increased its membership to 35 members. Future members are required to serve 5-year terms and to be nominated by KOMNASHAM, confirmed by the Parliament, and approved by the President. The law gives KOMNASHAM subpoena powers and provides that disputes settled by written agreement through the Commission's mediation are enforceable in court. However, the law does not give KOMNASHAM the power to enforce its recommendations or to recommend government action. By year's end, the Commission had not appointed the new members authorized by the 1999 law.

In 1999 KOMNASHAM supported the work of the KPP-HAM and forwarded its findings to the Attorney General in late January. In February KOMNASHAM formed a commission to investigate the 1984 killing of Muslim demonstrators at Tanjung Priok, Jakarta (see Sections 1.a. and 1.c.). In August KOMNASHAM opened an office in Ambon, Maluku province. Commission members conducted an investigation into human rights violations in Irian Jaya in October following an outbreak of violence in Wamena (see Sections 1.a. and 5).

U.N. High Commissioner for Human Rights Mary Robinson visited the country from November 21 to 24. She addressed a KOMNASHAM conference on transitional justice and expressed U.N. support for training for prosecutors, judges, and defense lawyers involved in Indonesia's East Timor tribunal, requested by the Attorney General. However, the Government did not agree to extend a memorandum of understanding on the status of UNHCHR's planned assistance to, and field office in, Indonesia. The Office of the High Commissioner for Human Rights (OHCHR) program officer assigned to Jakarta completed his assignment in May and had not been replaced. At year's end, the office remained open and staffed with locals.

In response to the U.N. Security Council's (UNSC's) adoption of Resolution 1319 after the September 6 killing of three UNHCR workers in West Timor (see Section 1.a.), the Government and various political leaders initially indicated that they would oppose the actions that the UNSC mission called for in the resolution. However, the Government later invited the UNSC mission to observe the situation in West Timor and to assess the Government's compliance with the resolution. The UNSC mission, consisting of permanent representatives from five member countries, visited West Timor and Jakarta from November 14 to 17.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution does not forbid explicitly discrimination based on gender, race, disability, language, or social status; however, it stipulates equal rights and obligations for all citizens, both native and naturalized. An amendment to the Constitution adopted during the year introduces the possibility of affirmative action to achieve fair and equal treatment; however, some activists believe that because the

amendment does not mention men or women specifically, it will not adequately protect women.

The Guidelines of State Policy (legal statutes adopted by the MPR) explicitly state that women have the same rights, obligations, and opportunities as men. However, guidelines adopted in the past 20 years also state that women's participation in the development process must not conflict with their role in improving family welfare and the education of the younger generation. Marriage law designates that the man as the head of the family. The Constitution grants citizens the right to practice their individual religions and beliefs; however, the Government only recognizes six religions and imposes some restrictions on other religious activity, although some of these restrictions were lifted during the year (see Section 2.c.).

Women.—Violence against women remains poorly documented. Women's rights NGO's estimate that only 15 percent of domestic violence incidents are reported. According to a legal aid organization involved in domestic violence issues, about 11 percent of rural women suffer some form of domestic violence. Experts on the subject agree that the number of incidents has risen since the onset of the country's economic downturn starting in mid-1997, which has been aggravated by social changes associated with rapid urbanization. The Government has acknowledged the problem of domestic violence in society; however, violence against women, especially when it occurs within the home, largely is perceived by the public to be a private matter and not within the purview of the Government.

Rape is a punishable offense, and perpetrators have been arrested and sentenced for rape and attempted rape, but reliable statistics are unavailable. Women's rights activists believe that rape is underreported seriously due to the social stigma attached to victims. Some legal experts report that unless a woman immediately seeks an examination at a hospital that produces physical evidence of rape, she will be unable to bring charges successfully. A witness also is required in order to prosecute for rape, and only in rare cases can a witness be produced, according to legal experts. Some women reportedly fail to report rape to police because the police do not take their allegations seriously. The maximum prison sentence for rape is 12 years, but observers claim that sentences usually are much shorter. Mob violence against accused rapists frequently is reported. An August 1999 conference of forensic experts recommended the adoption of standard procedures be adopted for examining and taking statements from rape victims, in an effort to improve the successfulness of rape prosecutions. However, by year's end, no rape investigation standards were in place, nor were uniform procedures followed.

Rape by a husband of a wife is not considered a crime under the law. Cultural norms dictate that problems between a husband and wife are private matters, and violence against women in the home rarely is reported. While police could bring assault charges against a husband for beating his wife, due to social attitudes they are unlikely to do so.

The country is a significant source, transit point, and destination for trafficking in women and children for the purpose of forced prostitution and sometimes for forced labor (see Sections 6.c. and 6.f.). It is widely alleged that TNI-backed militias raped numerous women during the 1999 violence in East Timor and kept many as sex slaves (see Section 1.c.). Kirsty Sword-Gusmao, the wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November that 33 pregnant East Timorese women returned to East Timor and claimed they had been abducted and forced to serve as sex slaves for the TNI in West Timor.

Female domestic servants also are vulnerable to exploitation and abuse. In some cases, unscrupulous recruitment agencies have promised women employment as domestic servants overseas and then held them against their will for extended periods until jobs are found for them. Women working abroad as domestic servants often risk various forms of abuse, exploitation, and other cruel treatment. The Government has taken some steps to assist its citizens working abroad, but advocates charge that much more needs to be done (see Section 6.f.).

Harassment is not a crime under the law, only "indecent behavior." However, sexual harassment charges may damage a civil service career. The law reportedly only covers physical abuse, and requires two witnesses. Female job applicants and workers have complained of being victimized sexually by supervisors. Many groups criticized the 1997 Manpower Law for failing to address sexual harassment and violence against women in the workplace and for providing inadequate protection in areas of employment where women regularly suffer abuse, such as overseas employment and household service. As of year's end, the Manpower Law was undergoing extensive revisions.

In 1998 the Government, in consultation with women's NGO's, established a National Commission on Violence against Women. The Commission's mandate is to improve and coordinate government and NGO efforts to combat violence against

women and to provide assistance to victims. During the year, the Commission reported that violence against women resulting from the economic crisis continued to rise.

In November 1999, a group of government officials and NGO representatives signed a declaration calling for the development of a joint strategy to end violence against women. The group drafted a 2001–2004 national action plan, which incorporates a “zero tolerance” strategy of violence against women, creates safety mechanisms to protect women against violence, and establishes new legislation to penalize perpetrators of such violence. In February the Government signed the Protocol of the U.N. Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). However, national legislation and implementing regulations to support the action plan have not yet been enacted. The Government provided technical support, but not funding, to establish and administer a women’s crisis center in a leading public hospital in Jakarta. Foreign governments have funded some of these crisis center projects.

The Government provides some counseling for abused women, and several private organizations assist women. Many of these organizations focus on reuniting the family rather than on providing protection to women. Many women rely on the extended family system for assistance in cases of domestic violence. Both public and private initiatives to assist female victims of violence were undertaken during the year. There are a small but growing number of women’s crisis centers, including a drop-in center founded in Jakarta by the government-sponsored National Women’s Organization (KOWANI) in 1996 and a crisis center for women in Yogyakarta that is administered by an NGO. Women’s Partner (Mitra Perempuan), a crisis center for women that opened in 1997, runs a 24-hour hotline and a temporary shelter for abused women. The hotline receives several calls each day from battered women. The National Commission reports a general increase in the number of female victims of violence seeking assistance from crisis centers, attributing the increase both to a growing awareness of services and to an increase in the incidence of violence against women. Some public hospitals in Jakarta, Yogyakarta, and Surabaya have integrated crisis centers that assist and protect abused women and children. These centers are co-sponsored by the Government and the Women’s Crisis Center (Pusat Krisis Perempuan). One of these centers, located in a Jakarta hospital, reported 30 cases of rape, 31 cases of domestic violence, and 37 cases of child abuse during a 4-month period during the year. Jakarta, Surabaya, and Yogyakarta police have opened “women’s desks” in their precincts to assist rape and domestic violence victims and to investigate their cases.

Under the Constitution, women are equal to and have the same rights, obligations, and opportunities as men. However, in practice, women face some legal discrimination. Marriage law defines the man as the head of the family. Marriage law for Muslims, based on Shari’a (Islamic law), allows men to have up to four wives if the husband is able to provide equally for each of them. Court permission and consent of the first wife is required, but reportedly most women cannot refuse. Cabinet officials and military personnel customarily have been forbidden from taking second wives, although reportedly a few ministers in President Wahid’s Cabinet have second wives. During the year, Government Regulation 10/1983, which stipulates that a male civil servant must receive the permission of his superior to take a second wife, came under considerable attack and renewed scrutiny. The Minister of State for Women’s Empowerment, Khofifah Indar Parawansa, proposed that the regulation be revoked or modified, arguing that supervisors often use the regulation as leverage over subordinates and that the regulation is an embarrassment to women. She also asserted that many men avoid the regulation by establishing illicit relationships. Other women, including First Lady Sinta Nuriyah Abdurrahman Wahid, opposed revoking the regulation, arguing that it protects women. Some women’s groups urged the Government to ban polygyny altogether.

In divorce cases, women often bear a heavier evidentiary burden than men in obtaining a divorce, especially in the Islam-based family court system. Divorced women rarely receive alimony, and there is no enforcement of alimony payment. According to Shari’a, a divorced wife is entitled to only 3 months of alimony, and even alimony for this brief period is not always granted.

The 1958 Citizenship Law states that children’s citizenship is based only on the citizenship of the father. Children of citizen mothers and foreign fathers are considered foreigners and require visas to remain in the country until the age of 18, at which time they may apply for citizenship. They are prohibited from attending public schools and must attend private, international schools, which usually are more expensive. There were considerable efforts during the year to change the law, but the restrictions remained.

Foreign women married to citizens also face difficulties. Their children are citizens and thus are not allowed to attend international schools unless they get special permission through the Ministry of Education. Such women usually are taxed as foreign heads of households, but they do not have property, business, or inheritance rights. There was much discussion about problems with the citizenship law, and NGO's and the Government appeared to agree that the law needed revision. However, by year's end, the Government had not taken any action to remedy these problems.

Although some women (such as Vice President Megawati Soekarnoputri) have a high degree of economic and social freedom and occupy important positions in both the public and private sectors, most women do not have such status and they constitute a disproportionately high percentage of the lower end of the socioeconomic and political scale (see Section 3). Surveys have shown that while more than one-third of civil servants are women, less than 6 percent are in positions of authority.

Female workers in manufacturing generally receive lower wages than men. Many female factory workers are hired as day laborers instead of as full-time permanent employees, and companies are not required to provide benefits, such as maternity leave, to day laborers. Women's rights activists report that there is a growing trend in manufacturing to hire women to do work in their homes for less than the minimum wage (see Section 6.e.).

Unemployment rates for women are approximately 50 percent higher than those for men. Women often are not given the extra benefits and salary that men are given when they are the heads of households, and in many cases do not receive employment benefits for their family members, such as medical insurance and income tax deductions. Income disparity between men and women diminishes significantly with higher educational achievement. Some women's activists believe that a growing number of professional women are advancing in a variety of fields, especially in the legal profession. However, no statistics are available to support this assertion. According to a study conducted during the year, only 20 percent of top managers and affluent consumers in Jakarta are female.

Law Number 21/1999 requires that the Government to formulate national policies to forbid and eliminate discrimination (including by gender) in the workplace. However, there were no implementing regulations in effect and discrimination continued in practice.

Despite laws that provide women with a 3-month maternity leave, the Government acknowledged that pregnant women often are dismissed or replaced while on leave from their jobs. Some companies require women to sign statements that they do not intend to become pregnant. Labor laws mandate 2 days of menstrual leave per month for women, although this leave is not allowed in all cases.

Women disproportionately suffer from illiteracy, poor health, and inadequate nutrition. The illiteracy rate among women is 17 percent, compared to 10 percent among men; the national illiteracy rate average for citizens over 15 years old is 12 percent, according to a UNICEF report. The Government is making efforts to reduce the high maternal mortality rate, which is 425 per 100,000 live births, according to official figures, and as high as 650 per 100,000, according to estimates from other sources. In Irian Jaya, the maternal mortality rates is 1,025 deaths per 100,000 and in Maluku 796 deaths per 100,000 live births.

During the year, hundreds of thousands of women and children were displaced by violent conflicts in Central Sulawesi, Maluku and North Maluku provinces, West Kalimantan, Irian Jaya (Papua), and Aceh (see Section 2.d.). In addition to those directly victimized by violence, a substantial number of those displaced suffered from nutritional deficiencies and other health problems.

Women's advocacy groups remained active throughout the year. Numerous NGO-organized conferences and rallies concerned with women's issues were held, as well as some that were organized by academic institutions and government ministries.

Children.—The Government has expressed a commitment to children's rights, education, and welfare, but insufficient resources prevent the implementation of such a commitment. With the abolition of the Ministry of Social Affairs in late 1999, there is no ministry that specifically addresses children's issues. In its draft budget for 2001, the Government proposed to allocate 4.7 percent of government expenditures to education, or 0.74 percent of the country's GDP. A 1979 law on children's welfare defines the responsibility of the State and parents to nurture and protect children. However, implementing regulations never have been promulgated, and the law's provisions on protection of children have yet to go into effect.

The Government allocates only 8 percent of its human resources development budget to health care. Low-cost medical care is available, although access and availability sometimes are sporadic, especially in rural areas. The results of a Ministry of Health study conducted during the year on public health services concluded that

over 40 percent of the country's public health centers had no attending physicians. According to a UNICEF report issued during the year, the percentage of women and children without access to health care ranged from 20 to 50 percent, with the most limited access in rural areas and poorer provinces. Moreover, government spending on health care also has dropped in real terms due to the economic downturn. In some cases, women and children unable to pay medical bills have been detained by hospitals that maintained their own "debtors' prisons." There also were reports of hospitals refusing treatment to children suffering from malnutrition, due to insufficient resources.

According to a credible report from a local NGO, infant mortality rates nearly have doubled as a result of the economic downturn, increasing from 55 per 1,000 in 1995 to 100 per 1,000 deaths in 1998. According to UNICEF's report, 7 percent of the country's children die before they are 5 years old and 5 percent die before their first birthdays. Almost 50 percent of children grow up in unhealthy or unsafe environments. The overall use of health care facilities by children has dropped significantly since the economic downturn began in mid-1997.

Throughout the year, UNICEF continued to warn of a "lost generation" of youth as a result of the economic crisis. UNICEF estimates that 8 million preschool-age children were undernourished, which threatens the development of brain function. According to U.N. data, as many as 30 to 50 percent of the country's children under the age of 5 may be suffering from some form of malnutrition, an increase from 9.8 percent in 1995. One university source estimated that 20 million children were malnourished, an increase from 8 million in 1997. Specifically, researchers have begun to document an increase in children suffering from deficiencies of Vitamin A, iron, and protein. According to a UNICEF study released during the year, many of the country's children suffer from "hidden hunger" or malnourishment.

On an anecdotal level, the media frequently reported on instances of children dying from malnutrition or lack of treatment for the condition. Such reports were most frequent in Java, but also were reported in Sumatra and other regions.

The Government estimates that by 2001, the country will have 40 million school-aged children, about 19 percent of the country's population. A 1994 law increased mandatory education requirements from 6 to 9 years (6 years of elementary education and 3 years of junior high education). However, the law has not been implemented fully, due to a lack of government enforcement, inadequate school facilities, and insufficient financial resources of families to support children's school fees. Official and unofficial fees for public education, including payments for registration, books, meals, transport, and uniforms have become prohibitively high for many families.

According to ILO and UNICEF statistics, about 6.1 to 6.4 million children between the ages of 7 and 15 have dropped out of school since the economy plummeted in 1997. An academic source estimated in November that the current number of students not enrolled in school for that age group even was higher, about 6.8 million. According to Ministry of Education data, 11.7 million children through the age of 18 were not attending school in 1999, while the ILO estimated that 11.9 million school-aged children did not attend school during the year.

Schooling for children in areas of conflict was disrupted severely during the year. Hundreds of thousands of children in Maluku and North Maluku provinces and in Central Sulawesi fled their homes to escape violence (see Section 2.d.), interrupting their education and exposing them to malnutrition, disease, and other hazards. NGO's and religious groups in Maluku province estimate that thousands of Muslim and Christian children between the ages of 12 and 17 have become child soldiers (see Sections 6.d.). Younger children between the ages of 7 and 12 provide support services to the militias. Some of the children involved in fighting reportedly are from outside the province. In one incident, a 16-year-old from Java, who had joined the Laskar Jihad militia, was killed while fighting on Saparua Island, Maluku province.

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million in mid-1999. Children's advocates and labor analysts agree that the number of working children has increased significantly due to the downturn, but contend that the number of working children was higher than the Government's current estimate even before the downturn, and has increased significantly since 1997 (see Section 6.d.). The ILO estimated that between 6 and 8 million children worked during the year, and World Vision, an international NGO, estimated that there were 6.5 million children working in the country.

According to a recent study, there are about 170,000 street children in 12 urban areas. Of these, about 20 percent are girls. At least 60 percent of the street children polled were not enrolled in school. There were about 13,000 street children in Jakarta. Medan, Bandung, Surabaya, Makassar (Ujung Pandang), and Yogyakarta are

other cities with substantial populations of street children. Of the 1,600 street children living in Yogyakarta, about 25 percent are girls. Almost all of them were victims of sexual abuse or were engaged in prostitution. Another NGO survey suggests that there are at least 100,000 street children and 6 million abandoned children in the country.

Street children sell newspapers, shine shoes, help to park or watch cars, and otherwise attempt to earn money. Many street children work under hazardous conditions as scavengers, garbage pickers, and on fishing platforms and fishing boats. According to credible sources, there are hundreds, perhaps over 1,000 children working in hazardous conditions on fishing platforms off the east coast of North Sumatra (see Section 6.c.). Many thousands of children work in factories and fields (see Sections 6.c., 6.d., and 6.f.).

A number of local and international NGO's work with street children. NGO's have criticized the Government for making inadequate efforts to help street children and working children. The Government is working in cooperation with the U.N. Development Program, UNICEF, the ILO, and with NGO's to create programs for street children and child laborers. One project includes the establishment of "open houses" in targeted areas to provide vocational training and basic education to street children. Open houses for street children have been established in several provinces.

Another approach to the problem of street children is the National Program for Discipline and Clean Cities Decree. Under this program, street children are removed physically from cities by bus. Usually, they are taken outside the city and left there. Sometimes they are taken to "holding houses" where they first are interrogated and later released. NGO's criticize this practice as ineffective and inhumane.

Child prostitution (see Section 6.f.) and other sexual abuses occur, but firm data are lacking. Police continue to uncover syndicates involved in trafficking girls to work in brothels on various islands or in other countries (see Section 6.f.). According to one 1998 NGO study, there were 406 cases of child abuse that year, 900 to 1,200 cases of child rape, and 40,000 to 70,000 cases of other sexual abuse against children.

A separate criminal justice system for juveniles does not exist. Ordinary courts handle juvenile crime, and juveniles often are imprisoned with adult offenders. A Juvenile Justice Law was passed by Parliament in 1996 and was signed by President Soeharto in 1997. It defines juveniles as children between the ages of 8 and 18 and establishes a special court system and criminal code to handle juvenile cases; however, it has not been implemented yet.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced in some parts of the country. No national legislation exists on FGM. Customary (adat) law has allowed for symbolic female circumcision and small-cut (mild) incisions of the clitoris, which would fall under the World Health Organization's (WHO's) type IV classification of FGM (this category includes pricking, piercing or incising of the clitoris). According to reports, FGM practices appear to be increasingly symbolic in nature (for example, a pinprick or the cutting of a ceremonial root). More invasive FGM practices—removal of the clitoral prepuce, partial removal of the sensitive tip of the clitoris, and even total removal—reportedly occur in Madura, South Sulawesi, and parts of East Java. However, there are no epidemiological reports on the frequency of these practices. Since FGM is not regulated, and religious leaders have taken no formal position, the method used often is left to the discretion of the local traditional practitioner. FGM usually occurs within the first year after birth, often on the 40th day, although it is done in some areas up to the age of 10. It is performed either at a hospital or, especially in rural areas, by the local traditional practitioner.

Both government officials and NGO leaders familiar with FGM issues believe invasive FGM practices are on the decline. The Government included FGM as a gender issue in its National Action Plan to End Violence against Women, published in late November. FGM heads the Action Plan's list of religious teachings requiring investigation and modification. The Government and NGO's are directing awareness campaigns towards Muslim religious leaders and those directly involved in performing female circumcisions (such as traditional birth attendants), and towards society at large, to bring about an end to invasive practices.

People with Disabilities.—Precise statistics on the number of disabled persons in the country are not available. In 1999 the U.N. estimated that about 5.43 percent of the population (about 10 million persons) were disabled, while the Government estimated that 3 percent of the population (6 million persons) were disabled. Families often hide disabled family members to avoid social stigma or embarrassment. Several provinces have established rehabilitation centers for the disabled. Authori-

ties reportedly take disabled persons off the streets and bring them to these centers for job training. Nevertheless, many disabled citizens beg for a living.

The Constitution requires that the Government provide care for orphans and the disabled; however, it does not specify the definition of the term "care", and the provision of education to all mentally and physically disabled children never has been inferred from the requirement. Regulations require the Government to establish and regulate a national curriculum for special education by stipulating that the community should provide special education services to its children.

According to a UNICEF report during the year, there are about 2 million disabled children between the ages of 10 and 14. Law No. 4/1997 on Disability and Government Regulation No. 72 on Special Education stipulate that every disabled child has the right to access to all levels and types of education and rehabilitative treatment as necessary. However, this does not occur in practice. NGO's are the primary providers of education for the disabled. There are 1,084 schools for the disabled; 680 are private and 404 are government-operated. Of the government schools, 165 are "integrated," serving both regular and special education students. In Jakarta there are 98 schools for the disabled, 2 of which are government-operated and 96 of which are private. The Government also runs three national schools for the visually and hearing impaired, and mentally disabled. These schools accept children from throughout the country.

The 1997 Disability Law was designed to provide access to education, employment, and assistance for the disabled. It requires companies employing over 100 persons to give 1 percent of their positions to the disabled. However, the disabled face considerable discrimination in employment, although some factories have made special efforts to hire disabled workers. The law mandates accessibility to public facilities for the disabled; however, virtually no buildings or public transportation provide such accessibility in mind.

President Wahid, who is visually impaired, and First Lady Sinta Nuriyah Abdurrahman Wahid, who has limited mobility from an automobile accident, are advocating improved services and opportunities for persons with disabilities. In September President Wahid acknowledged that discrimination exists in the country's tourism industry and that disabled persons receive neither appropriate services nor the opportunity to travel.

Indigenous People.—The Government considers the term "indigenous people" to be a misnomer, because it considers all citizens except ethnic Chinese to be indigenous. Nonetheless, it publicly recognizes the existence of several "isolated communities," and their right to participate fully in political and social life. The Government estimates that the number of persons in isolated communities is 1.5 million. This includes, but is not limited to, groups such as the Dayak population in Kalimantan, some of whom live in remote forest areas, indigenous communities located throughout Irian Jaya, and economically disadvantaged families living as sea nomads on boats near Riau in eastern Sumatra and near Makassar (Ujung Pandang) in southern Sulawesi. Critics maintain that the Government's approach is paternalistic and designed more to integrate indigenous people into society than to protect their traditional ways of life. Human rights monitors criticize the Government's transmigration program for violating the rights of indigenous people (see Section 1.f.) and for encouraging exploitation of natural resources upon which indigenous people depend for their livelihood.

Sixty percent of the country's population of over 200 million lives in Java, which represents only 7 percent of the country's territory. The government-sponsored transmigration program seeks to resettle persons from densely populated areas to sparsely populated areas outside Java (see Section 1.f). The majority of migrants are spontaneous migrants who are not part of the official program.

Critics of transmigration claim that it often threatens indigenous cultures and sparks social envy. Some critics claim that transmigration has been used as a political tool to inject nonindigenous persons into certain areas to "Indonesianize" these areas, in part to preclude secessionist movements. In some areas, such as in certain parts of Sulawesi, the Moluccas, Kalimantan, Aceh, and Irian Jaya, relations between transmigrants and indigenous people are hostile. NGO's also report tensions between transmigrated Javanese and indigenous populations in the Mentawai Islands off the west coast of Sumatra. Indigenous groups often complain that they receive less government support and funding than transmigrants, and transmigrants complain that in some cases they are moved to areas with undesirable land and inadequate infrastructure. Transmigrants sometimes are settled on land of disputed ownership.

Acute tensions continued in West Kalimantan between the indigenous Dayak and ethnic Malay peoples and the settlers from Madura, an island off the eastern coast of Java. At least 11 persons died in clashes between Malays and Madurese in Octo-

ber (see Section 1.a.). The Madurese community in West Kalimantan developed around an earlier group of transmigrants, although the majority of Madurese in the area are spontaneous immigrants. DayakMadurese violence in the Sambas region north of Pontianak prompted tens of thousands of Madurese to flee in 1997 and 1999; an estimated 50,000 remain in camps in West Kalimantan (see Section 2.d.).

Land disputes are a major source of tension throughout the country, particularly in many sparsely populated resource-rich areas traditionally inhabited by indigenous people. The tension often is expressed along racial/ethnic lines because developers frequently are ethnic Chinese Indonesians. Land disputes represent the largest category of complaints submitted to the National Human Rights Commission and a significant portion of the cases brought to legal aid foundations and other assistance organizations. According to a law derived from colonial era practices, all subsurface mineral resources belong to the Government. The Basic Agrarian Law states that land rights cannot be "in conflict with national and state interests," which provides the Government with a broad legal basis for land seizures. When disputes cannot be settled, the Government has the authority to define fair compensation for land.

However, in practice compensation for the land often is minimal or even nonexistent. Decisions regarding development projects, resource-use concessions, and other economic activities generally are carried out without the participation or informed consent of the affected communities. When indigenous people clash with private sector development projects, the developers almost always prevail. There are numerous instances of the use of intimidation, sometimes by the military, and often by hired "thugs," to acquire land for development projects, particularly in areas claimed by indigenous people. Such intimidation has been used in Jakarta, other parts of Java, North Sumatra, Aceh, and other areas. Some NGO's that seek to aid these communities are subjected to verbal attacks, raids, and other forms of intimidation by government security forces. Throughout 1999 and during the year, NGO's have been more vocal and effective in lobbying for indigenous people's rights. According to credible sources in West Sumatra, large tracts of land in the province have been confiscated over the past several years by commercial plantation developers who paid bribes to the local governor. In some cases, NGO's report that farmers were evicted from the land without compensation to allow for new palm oil plantations staffed by Javanese transmigrants. Competition for land and resources remains acute in Sumatra.

NGO's assert that violations of the rights of indigenous people are frequent in the mining and logging areas, and that violations stem from the Government's denial of ownership by indigenous people of ancestral land, erosion of indigenous groups' traditional social structure, and forced takeover of land. These problems are most prevalent in Irian Jaya and Kalimantan. In Central Kalimantan, NGO's report that local residents have suffered as a result of discontinued projects to convert peat land into agricultural land for rice cultivation. Vast tracts of land have been designated as transmigration areas. Tens of thousands of indigenous people have been forced to cease their traditional farming and forest-based livelihoods; many become poorly paid laborers on new agricultural projects.

In Southeast Sulawesi, the Moronene people have been struggling for more than 40 years to secure government recognition of their claim to ancestral lands in what is now Rawa Aopa Watumohai National Park. The Government insists, most recently on the basis of the 1999 Forestry Law, that the Moronene people must resettle on land outside the park. In 1997 and 1998, security personnel acting on orders from the provincial government destroyed houses and crops in an effort to force the Moronene off their lands, but they refused to leave. In September they reached agreement with the local government that they would be allowed to remain on their lands until a court decided the merits of their claim. However, from November 23 to 25, approximately 70 security personnel sought to evict the Moronene from the park. The security team, which consisted of local police, Brimob members, and forest police and officials, reportedly destroyed 23 homes in the 3 villages of Hukaea-Laeya, Lampopola, and Lanowulu. At year's end, the Moronene still were living in Hukaea-Laeya village, but they feared further destruction of their settlements since the Government has not changed its position that they must leave.

Bonded labor has become a problem for some Dayaks in East Kalimantan (see Section 6.c.). According to the ILO, on at least one project, a logging company established a company store in a remote area, where workers had to purchase necessities at inflated prices. Since the workers could not afford the prices, they bought the goods using vouchers representing future wages, thereby, according to the ILO, "turning once independent and relatively well-off farmers into impoverished bonded laborers trapped in an ever-mounting cycle of debt."

Tensions with indigenous people in Irian Jaya, who refer to themselves as Papuans or West Papuans, continued. Papuans complain of racism, religious bias,

paternalism, and condescension as constant impediments to better relations with non-Papuans, including members of the Government, the military, and the non-Papuan business community. A large percentage of the population of Irian Jaya consists of migrants, who are economically and politically dominant. Most civil servants in local governments in Irian Jaya and other isolated areas continue to come primarily from other parts of the country, rather than from the local indigenous population. Tensions between Papuans and migrants increased during the year, particularly after Papuans killed 24 migrants in Wamena on October 6 and 7 after security forces opened fire on Papuans who resisted efforts to take down Papuan independence flags (see Sections 1.a. and 2.a.). The attack caused an exodus of several thousand migrants from the Wamena area and from Irian Jaya (see Section 2.d.). Papuans and migrants clashed again in Merauke in early November and December and at the Abepura market area in Jayapura November 11 to 13, resulting in injuries on both sides and the burning or looting of migrant shops. Unknown attackers killed two police and a security guard in Abepura, Irian Jaya, on December 7, and two timber workers near the Irian Jaya-Papua New Guinea border on December 9. Police blamed both attacks on the Free Papua Organization (OPM) (see Section 1.a.).

During the year Papuans asserted themselves politically to a greater extent than in the past. Beginning in late 1999, Papuan political figures and traditional tribal organizations began forming Papuan "task forces" (Satgas Papua). In February Papuan community and tribal leaders organized a "great consultation" of Papuan leaders to set an agenda for self-government and designate a Papuan Presidium Council to speak on behalf of Papuans. The consultation's closing statement called for the holding of a congress comprised of the entire Papuan community. The congress was held from May 29 through June 4 in Jayapura, and involved more than 2,000 delegates from each of Irian Jaya's districts, other parts of the country, and the Papuan community overseas. Delegates approved a resolution rejecting the 1969 "Act of Free Choice," which confirmed Irian Jaya's incorporation into Indonesia; called on the central Government, along with the U.N. and the U.S. and Dutch governments, to review the process by which the territory became a part of Indonesia and to recognize Papua's sovereignty since 1961; and mandated the Papuan Presidium Council to strive for international recognition and report back to the congress on December 1 on progress toward these goals. Presidium Council leaders traveled throughout the province to publicize the results of the congress, regularly met with government officials in Jakarta, and journeyed to other countries to advance the Papuan cause. On December 1, Presidium leaders led a peaceful commemoration of the 1961 declaration of independence by Papuan community leaders, then under Dutch rule. Presidium vice chairman Tom Beanal recounted the Presidium's efforts since the Papuan Congress to start a dialog with Jakarta, and appealed for calm. The day was observed peacefully in most parts of Irian Jaya.

The Government initially responded to Papuan initiatives by welcoming the call for dialog and offering special autonomy within the context of a united Indonesia. President Wahid met several times with Papuan leaders and visited Irian Jaya on December 31, 1999 and January 1, 2000, when he announced that the name of the province would be changed to Papua; however, the Government never introduced legislation to change the name. Vice President Megawati Soekarnoputri visited the province in May and September. President Wahid provided \$110,000 (Rp. 1 billion) for the holding of the Papuan congress and indicated that he would open the congress, although ultimately he accepted his advisors' recommendation not to participate. After the congress, he met with Presidium Council leaders and reemphasized the Government's firm stance against Papuan independence, but said it was permissible to fly Papuan independence flags as long as they were smaller and flown below the Indonesian flag. However, during the August MPR session, legislators attacked Wahid's stance toward Papuans and demanded a tougher approach that rejected the flying of the independence flag, the use of the name "Papua," and other perceived manifestations of proindependence sentiment. In late September new National Police Chief Suryo Bimantoro ordered all Papuan independence flags to be taken down. Police attempts to remove forcibly flags in Wamena on October 6, Fak Fank on December 1, and Merauke on November 4 and December 2, sparked violent clashes with Satgas Papua members, resulting in many deaths and heightened tensions between Papuans and non-Papuan migrants (see Sections 1.a. and 1.c.). After Papuans attacked a police station in Jayapura on December 7, police shot and killed a student at a nearby dormitory and detained and beat more than 100 others, 2 of whom died as a result of the beatings. Police revived criminal charges against five leading members of the Papuan Presidium Council for crimes against the security of the State and public order in November (see Sections 1.e. and 2.a.). Police encouragement of the formation of migrant "solidarity" organizations, and the arming of

some of those organizations by security forces, also has sharpened divisions between the two communities. Moreover, the creation of an armed "Red and White Task Force" (Satgas Merah Putih) in Papua, reportedly at the instigation of the army, has raised concerns that certain elements of the national security forces may be seeking to create an armed Papuan paramilitary force, modeled on East Timorese militias, to oppose Papuan independence efforts, and, to oppose specifically, the Satgas Papua groups, the vast majority of which are considered proindependence.

Religious Minorities.—Closures and attacks on churches, temples, and other religious facilities, ranging from minor vandalism to arson, increased during the year, according to the Indonesian Christian Communications Forum (ICCF). The ICCF recorded 122 religiously-motivated attacks on Christian churches or other Christian facilities during the year. There are no available national estimates on the number of mosques that were damaged or destroyed during the year. The largest number of attacks on citizens and places of worship occurred in North Maluku, Maluku, and Central Sulawesi provinces in the eastern part of the country, causing more than 3,000 deaths, the displacement of nearly 500,000 persons, and damage to at least 81 churches and dozens of mosques (see Sections 1.a., 2.c., and 2.d.).

Attacks on places of worship reflect religious tensions, but other contributing factors include underlying socioeconomic and political tensions between poor Muslims and more affluent Sino-Indonesian Christians. Similarly, in the Moluccas and Central Sulawesi, economic tensions between native Christians and Muslims who migrated to these areas in recent decades were a significant factor in incidents of interreligious violence. Christian and Muslim communities in these provinces blamed each other for initiating and perpetuating the violence.

The Government failed to suppress or respond to most cases of violence and did not resolve fully the many cases of attacks on religious facilities and churches that occurred during riots; in other cases, the Government did not investigate such incidents at all (see Sections 1.a. and 2.c.).

Anti-Christian sermons and publications also increased, leading to concerns that societal support for religious tolerance was eroding. In the early part of the year, a movement known as the Islamic State of Indonesia (NII) emerged on university campuses in Java. There were sporadic reports from some neighborhoods of Jakarta that student followers of the NII movement set up roadblocks, checked identification cards, and harassed passing non-Muslims, in some cases forcing them to recite passages from the Koran. Similar incidents occurred in Makassar, South Sulawesi. Many of the country's religious minorities expressed growing concern over what they perceived to be increasing demands by certain Muslim groups to impose Shari'a law in the country; however, during the year, a proposal to implement Islamic law failed (see Section 2.c.).

The Laskar Jihad ("holy war troops"), another Muslim group that was formed during the year, engaged in paramilitary training, and leaders of the group announced that they were planning to wage war on Christians in the Moluccas. The Government closed a conspicuous Laskar Jihad training camp south of Jakarta, but otherwise was reluctant to challenge the organization openly. Many of its recruits, some of whom were children (see Section 6.d.), were deployed to Maluku and North Maluku provinces beginning in late April, where they reportedly joined in fighting against Christians.

President Wahid conceded in late December that hundreds of Christians on Keswui and Teor Islands in Maluku converted to Islam in November and December to save their lives. By year's end, only an estimated 165 converts had been able to leave the 2 islands. There also have been credible reports of forced conversions occurring in other parts of Maluku and North Maluku. Estimates range from over 3,500 to 8,000 cases. While most documented cases involve Christians who converted to Islam, there have been reports of Muslims who were forced to convert to Christianity in Halmahera, North Maluku.

Christian IDPs from Keswui and Teor who had undergone conversion said in media interviews that Muslim militants told Christians to convert to Islam or face probable death at the hands of Muslim militias. According to these sources, Christians were herded into mosques and converted to Islam en masse. Both male and female converts later were forced to undergo circumcision to prove that they were genuine Muslims, despite the fact that Muslim women in Maluku were not customarily circumcised. The victims suffered considerable pain and some developed infections as a result of the forced circumcisions.

A number of bombings and bombing attempts primarily targeted against Christian facilities occurred throughout the year in North Sumatra, including one that exploded in May at a Protestant Church in Medan and injured at least 33 persons. The perpetrators of the attacks had not been identified by year's end. There were numerous theories for the attacks; there is no clear evidence that the bombings were

religiously motivated. Bombs exploded almost simultaneously on the evening of December 24, in seven of the country's provinces, in or near nine churches where members were attending Christmas Eve services. Nineteen citizens died from the blasts, some of whom were Muslims guarding churches, and 84 persons were injured. The bombings appear to be the product of a concerted and synchronized effort to create discord between religious groups. However, the bombings are more likely driven by political interests than by religious hatred. The Government formed a special inter-agency team to investigate the bombings. The NGO Indonesian Forum for Peace (FID) formed a joint fact-finding team with the Government to investigate the bombings. A number of other bombings also occurred during the year (see Sections 1.a. and 1.c.).

Muslims are a religious minority in the easternmost province of Irian Jaya. Local sentiment against the efforts of Muslim missionaries to win converts in the predominantly Christian province, as well as resentment of the arrival in the province of mainly Muslim migrants from other parts of the country, has in the past led to attacks on mosques in Irian Jaya. However, there were no reports of attacks on mosques in Irian Jaya during the year.

During the year there were occasional reports of murders of persons who practice traditional magic ("dukun santets") (see Section 1.a.) in East, Central, and West Java, including a January 18 attack in the Malang area of East Java on a woman suspected of being a shaman. The number of these killings is believed to have declined since 1998, when nearly 200 such persons were killed in East Java, and since 1999, when more than 30 dukun santet were killed in West Java.

National/Racial/Ethnic Minorities.—The Government officially promotes racial and ethnic tolerance. Ethnic Chinese, which represent approximately 3 percent of the population—by far the largest nonindigenous minority group—historically have played a major role in the economy. In 1998 anti-Chinese sentiment led to serious and widespread attacks on Chinese-owned businesses. Despite the Wahid Government's commitment to reopen the investigation into these attacks, the Government has failed to pursue the 1999 recommendations of the joint fact-finding team (TGPF) that was commissioned to investigate the 1998 attacks (see Sections 1.a., 1.c., and 4).

Racially motivated attacks against Sino-Indonesians have dropped sharply since mid-1998, although Sino-Indonesians continued to report instances of discrimination and harassment. One Sino-Indonesian woman told the press that she was attacked by machete-wielding militants claiming to be members of the "Commandos against Communism," who threatened to burn down her office building and murder her staff if they did not vacate the premises. When she later returned from a trip, she found that arsonists had burned down her office. She had been investigating the slaughter of Sino-Indonesians during the mid-1960's.

An undetermined number of Sino-Indonesians remain abroad or away from their normal places of residence in the country. While many now reside in Singapore, there also are sizeable Sino-Indonesian populations in Australia and the U.S. Prominent Sino-Indonesians estimate that approximately half of the Sino-Indonesian men living abroad occasionally return to their homes for short visits to protect their remaining business interests, but most keep their families and the bulk of their capital offshore or in other parts of the country.

With the revocation of Presidential Decree 14/1967 in January, Confucianism may be practiced in public and the law no longer forbids the celebration of the Chinese New Year in temples or public places (see Section 2.c.). As a result, Chinese New Year decorations were displayed prominently during the year and sold in public shopping areas in several major cities. The Chinese language now may be taught, spoken, and printed, and private instruction in Chinese no longer is prohibited. Some universities, including the University of Indonesia, offer Chinese-language instruction. A number of private institutions openly offer courses as well. Chinese-language publications in the country no longer are banned; however, customs regulations still prohibit the import of Chinese language publications and music (see Section 2.a.). State universities still have informal quotas that limit the enrollment of ethnic Chinese students.

Authorities no longer are required to note a special code on the national identification card for citizens of Chinese extraction. However, some Sino-Indonesians have claimed that this practice continues.

Since 1959 noncitizen ethnic Chinese have been denied the right to run businesses in rural areas; however, the Government does not restrict this right for Sino-Indonesians.

Indigenous residents of Irian Jaya and various human rights groups charge that Papuans are underrepresented in the civil service in that province. The Government has made some efforts to recruit more civil servants in Irian Jaya, and there has

been some increase in the number of civil servant trainees in this province, despite a "no growth" policy in the civil service as a whole.

Section 6. Worker Rights

a. The Right of Association.—Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect their representatives. In July the DPR enacted and in August President Wahid signed a new law on trade unions, which provides for "notification" (registration) of unions at the factory, district, provincial, and national levels and allowed unions to form federations and confederations. Unions are required to have at least 10 members and must be open to all persons, without differentiating on the basis of political orientation, religion, ethnicity, national origin, or gender. Under the new law and previous registration regulations, more than 20 new or previously unrecognized union federations have notified the Department of Manpower of their existence since 1998, and thousands of workplace-level units have registered with the Department of Manpower, although some unions have complained of difficulty in registering their workplace units.

The Federation of All-Indonesian Trade Unions (SPSI), which was formed by the merger (under the Government's direction) of existing labor organizations in 1973, is the oldest trade union organization. The head of the SPSI and many members of the executive council also are members of the Golkar political organization and its constituent functional groups. In August 1998, the SPSI leadership split over the issue of reforming the Federation's structure. Following the split, the Department of Manpower stated that it would no longer intervene in organizational disputes within trade unions or provide guidance to any unions.

The new trade union law allows the Government to petition the courts to dissolve a union if its basis conflicts with Pancasila or the 1945 constitution, or if a union's leaders or members, in the name of the union, commit crimes against the security of the State and are sentenced to at least 5 years in prison. Once a union is dissolved, its leaders and members may not form another union for at least 3 years after the original union's dissolution.

The new trade union law does not address the adjudication of jurisdictional disputes among multiple unions in a workplace, and existing laws and regulations do not provide clear guidance on how jurisdictional disputes should be handled. Such ambiguity occasionally has led to clashes between unions in a workplace. In one instance in June in Medan, North Sumatra, workers from the Indonesian Prosperity Trade Union (SPSI) attacked the offices of the Metalworkers Union affiliated with the SBSI after SBSI workers staged a strike at a metal factory at which the SPSI Metalworkers Union also had representation. The SPSI workers damaged office equipment and injured several persons in the office.

Since 1999 civil servants have not been required to belong to KORPRI, a non-union association. Employees of several government departments announced that they would form their own employee associations, and union organizations began to seek members among civil servants. Unions also are seeking to organize stateowned enterprise (SOE) employees, defined to include those working in enterprises in which the State has at least 5percent ownership, although they have encountered some resistance from enterprise management, and the legal basis for registering unions in SOE's remains unclear. Teachers must belong to the Teachers' Association (PGRI). While technically classified as a union, the PGRI continues to function more as a welfare organization and does not appear to have engaged in trade union activities such as collective bargaining. Some groups of teachers have formed unofficial unions outside the PGRI. Other teachers have gone on strike for better wages and allowances, a rare and technically illegal action for teachers. Mandatory PGRI contributions are deducted automatically from teachers' salaries.

The Government announced in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more persons of all organizations outside offices or normal work sites. However, in practice this regulation continues to apply to union meetings. Permission routinely was given to the faction of the SPSI that retains strong links to the Golkar party leadership, but other labor organizations claim that local civilian and security officials often have discouraged or denied permission to hold gatherings. During the early part of the year, police repeatedly interrogated a foreign staff member of the American Center for International Labor Solidarity when he tried to renew his police clearance and work permit. Police objected to the staff member's observation of worker demonstrations and strikes. He eventually was able to renew his documents. In May police in Medan, North Sumatra, briefly detained two staff members of the Solidarity Center when they arrived to participate in a union workshop. The police stated that the staff workers had not

obtained required letters from Jakarta police before traveling to Medan. The workshop was allowed to proceed in their absence.

All organized workers except civil servants have the legal right to strike. State enterprise employees and teachers rarely exercise this right, but private sector strikes are frequent. Before a strike legally can occur in the private sector, the law requires intensive mediation by the Department of Manpower and prior notice of the intent to strike. However, no approval is required. In practice dispute settlement procedures rarely are followed, and formal notice of the intent to strike rarely is given, because Department of Manpower procedures are slow and have little credibility among workers. Therefore, sudden strikes usually result from longstanding grievances, attempts by employers to prevent the formation of union branches, or denial of legally mandated benefits or rights.

Strikes frequently occurred during the year across a wide range of industries and occasionally were protracted. In addition to normal work stoppages, workers occasionally used unorthodox tactics, such as blocking Jakarta's airport toll road. Representatives of 4,700 footwear workers, who did not receive severance pay when their factory closed, staged a sit-in for several weeks in the national Parliament until the company paid the severances. Among the largest companies affected by such tactics were a manufacturing group in Surabaya, East Java; a cigarette manufacturer in Kediri, East Java; an oil and gas producer in Riau province in Sumatra; and natural gas and mining companies in East Kalimantan. Most strikes were conducted and resolved peacefully. In one prominent case, a major electronics manufacturing company fired (with the Government's permission) 900 striking workers at its Jakarta plant after a lengthy work stoppage. Some unions complained that strike leaders were singled out for layoffs when companies downsized. In several cases, most notably in Riau and East Kalimantan, workers damaged property and intimidated nonstriking workers, and there were disputes among different unions represented in the same company. In most cases, workers were not arrested for these actions, although police detained the SBSI regional coordinator in East Kalimantan in November for investigation of charges that he incited workers to violence. In at least two cases (at a glass manufacturing plant in Jakarta and at a major natural gas facility in East Kalimantan), police fired rubber bullets at workers who blocked roads and entry gates to company facilities and resisted orders to disperse. Groups claiming to represent labor also sometimes resorted to violence. In Surabaya groups of as many as 500 persons invaded industrial parks and looted factories in early May.

The SPSI maintains international contacts but its only international trade union affiliation as a federation is with the Association of Southeast Asian Nations Trade Union Council. Some of the SPSI's federated sectoral unions are members of international trade secretariats. The SBSI is affiliated with the World Confederation of Labor and some international trade union secretariats.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is provided for by law, and the Department of Manpower promotes it within the context of the national ideology, Pancasila. Until 1994 only recognized trade unions—the SPSI and its components—could engage legally in collective bargaining. By issuing new regulations on union registration and enacting the new trade union law, the Government allows for new workers' organizations that register with the Government to conclude legally binding agreements with employers. Under the union registration regulation signed in September 1999 (which was not repealed by the new trade union law), if there is more than one union represented in a company, a union or coalition of unions must have the support of a majority of workers in order to bargain or negotiate on their behalf.

In companies without unions, the Government discourages workers from utilizing nongovernment outside assistance, for example, during consultations with employers over company regulations. Instead, the Department of Manpower prefers that workers seek its assistance and believes that its role is to protect workers. However, there are credible reports that for many companies, consultations are perfunctory at best and usually only occur with management-selected workers; there also are credible reports to the contrary from foreign companies. According to government statistics, approximately 80 percent of the factory-level SPSI units have collective bargaining agreements. The degree to which these agreements are negotiated freely between unions and management without government interference varies. By regulation negotiations must be concluded within 30 days or be submitted to the Department of Manpower for mediation and conciliation or arbitration. Most negotiations are concluded within the 30-day period. Agreements are for 2 years and can be extended for 1 year.

According to NGO's involved in labor issues, in current practice the provisions of collective bargaining agreements rarely go beyond the legal minimum standards es-

established by the Government, and the agreements often merely are presented to worker representatives for signature rather than negotiation. Although government regulations prohibit employers from discriminating against or harassing employees because of union membership, there are credible reports from union officials of employer retribution against union organizers, including firing workers, that is not prevented effectively or remedied in practice. Some employers reportedly have warned their employees against contact with union organizers. The SPSI documented 135 cases in which companies violated their workers' right to organize by intimidating, punishing, or firing SBSI members because of their affiliation with the union or because they attempted to organize SBSI units within their factories—a problem other labor organizations and activists have encountered in trying to form unions. In November police in East Kalimantan arrested Wuaya Kawilarang, a regional coordinator for the SBSI, for investigation of charges that he incited workers to violence. He remained in detention at year's end (see Section 1.d.).

Regional and national labor dispute resolution committees adjudicate charges of antiunion discrimination, and their decisions can be appealed to the State Administrative Court. However, due to adverse decisions many union members believe that the dispute resolution committees generally favor employers. As a result, workers frequently present their grievances directly to the National Human Rights Commission, Parliament, and NGO's. Administrative decisions in favor of dismissed workers usually are monetary awards; workers rarely are reinstated. The law requires that employers obtain the approval of the labor dispute resolution committee before firing workers, but the law often is ignored in practice. During the year, the ILO Committee of Experts expressed concern that the Government had delayed implementation of the Manpower Act No. 25 of 1997 until October 1. On October 3, the Government announced another year's delay to consider revisions to the law, which has been criticized by labor unions.

Since 1996 unions affiliated with the SPSI have been able to collect union dues directly through payroll deductions (the "checkoff" system) rather than having the Department of Manpower collect dues and transfer them to the SPSI. Implementation of this system remains uneven, but labor observers generally believe that it has given more authority to factory-level union units where the checkoff system is practiced. Union officials at SPSI headquarters stated that not all local branches of the unions send a portion of dues collected to regional and central headquarters as provided in the SPSI's bylaws. Unions other than the SPSI have complained of difficulties in getting companies to set up a checkoff system for their members. In cases where the SPSI is not the only union in the factory, other unions occasionally have charged that companies automatically deduct union dues for the SPSI from workers affiliated with other unions.

The police and the army continue to be involved in labor matters, although since the mid-1990's there has been a shift from open intervention and demonstrations of force by uniformed troops to less visible measures. On at least two occasions, security forces fired on striking workers (see Section 6.a.). However, the most common form of military involvement in labor matters, according to union and NGO representatives, is a longstanding pattern of collusion between police and military personnel and employers, which usually takes the form of intimidation of workers by security personnel in civilian dress. The military also employs baiting tactics: infiltrating workers' ranks and encouraging protests or worker actions, and sometimes attempting to provoke a violent worker action, to which the military then forcefully responds. Employer and union representatives also have complained about the "invisible costs" of corruption, which they and others estimate constitute up to 30 percent of a company's expenses.

There are seven exporting processing zones (EPZs) in the country. Batam Island, near Singapore, is the largest. Labor law applies in EPZ's and in the rest of the country, although nongovernmental observers believe that in practice enforcement of laws in EPZ's is weaker than in other areas.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor, including forced and bonded labor by children, and the Government generally enforces this prohibition; however, forced and bonded labor by children remains a problem, and there also were instances of debt bondage of adults. In the past, NGO's estimated that as many as 3,000 children worked on fishing platforms, known as "jermals," under inhumane and dangerous conditions. There are credible reports that hundreds, perhaps over 1,000, children still work on the jermals off the east coast of North Sumatra in conditions of bonded labor (see Sections 6.d. and 6.f.). Most are recruited from farming communities in inland regions of North Sumatra. Once they arrive at the work site, miles offshore, they are held as virtual prisoners and are not permitted to leave for at least 3 months or until a replacement worker can be found. The children receive average monthly wages of \$5 to \$14 (Rp. 45,000

to 120,000), well below the regional minimum wage. They live in isolation on the sea on platforms the size of basketball courts, work 12 to 20 hours per day in dangerous conditions, and sleep in the workspace with no access to sanitary facilities or schooling. There are reports of physical, verbal, and sexual abuse of such children.

In November 1997, the Department of Manpower issued a circular letter with the force of law that prohibits the hiring of persons under the age of 14 on fishing platforms. In 1999 the Government stopped issuing permits to build new jermals, and announced plans to physically remove children from the jermals and provide them with educational and economic alternatives (see Sections 6.d. and 6.f.). NGO's advocating the removal of children from jermals estimate that there was a 50 percent drop in the number of children working on jermals during the year. However, rehabilitation programs for children removed from jermals have documented little success, and NGO's are concerned that some of these children now engage in other forms of hazardous labor. Jermals operate under the paid protection of national naval vessels; reportedly, the navy has a financial interest in some jermals.

In East Kalimantan a logging company reportedly traps Dayak laborers in a cycle of debt and turns them into bonded laborers (see Section 5).

The country is a source, transit point, and destination for trafficking in women and children, sometimes for forced labor (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Labor law prohibits children under the age of 15 from working more than 4 hours per day, but an estimated 6 to 8 million children meet or exceed this daily limit. Government enforcement of child labor laws is weak or nonexistent. With the exception of children working on fishing platforms, there were no significant government efforts to strengthen enforcement during the year. The Government prohibits forced and bonded labor by children, but does not enforce this provision effectively (see Section 6.c.).

The Government ratified ILO Convention 182 on the Worst Forms of Child Labor on March 8, and President Wahid signed it into domestic law as Law No. 1/2000. Before the enactment of Law 1/2000, a Department of Manpower circular issued in 1997 had prohibited children from working in hazardous sectors, including maritime, plantation, construction, slaughterhouse, textile, leatherworking, entertainment, and manufacturing activities involving the use of hazardous materials and pollutants.

Despite adoption of legislative and regulatory measures, most children continued to work in unregulated environments, including domestic work. Although the ILO has sponsored training of labor inspectors on child labor matters under the International Program on the Elimination of Child Labor (IPEC), enforcement is nonexistent. During the year, labor inspectors who had received the training had not removed any children from the workplace.

The Government acknowledges that there is a class of children who must work for socioeconomic reasons, and in 1987 the Minister of Manpower issued a regulation on "Protection of Children Forced to Work." This regulation legalized the employment of children under the age of 14 who must work to contribute to the income of their families. It required parental consent, prohibits dangerous or difficult work, limits work to 4 hours daily, and requires employers to report the number of children working under its provisions. It did not set a minimum age for children in this category.

In February 1999, after years of negative publicity, the Government launched an initiative to eliminate child labor on jermals off the coast of North Sumatra. By mid-year, NGO's estimated that the number of children working on jermals had declined by as much as 50 percent (see Sections 6.c. and 6.f.). However, hundreds, and perhaps over 1,000 children continue to work on the jermals, and active kidnaping or recruiting of such children continues.

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million by mid-1999. The State Bureau of Statistics (BPS) stated that 1.9 million children through age 14 were working in 1998. The ILO and the NGO World Vision argued that official estimates were too low, citing the fact that between 11 and 12 million school-age children (up to age 18) were not attending school, and a large number likely were involved in some form of work. The ILO estimated that between 6 and 8 million children worked during the year. World Vision estimated that there were 6.5 million children working. Of these 6.5 million children, 4.1 million worked in the informal sector, and 2.4 million worked in the formal sectors. Other NGO's estimated that more than 10 percent of children worked more than 4 hours per day, and that over 35 percent of these children worked over 35 hours per week. Other NGO's estimate that 8.5 million school-age children are not

enrolled in school and most are employed in the underground economy with no legal protection and poor compensation.

It is estimated that more children work in the informal sector than the formal sector, selling newspapers, shining shoes, helping to park or wash cars, and otherwise earning money. Where children work in the formal sector, such work tends to fall between the informal and formal economies, including working alongside their parents in home enterprises and on plantations, and in family-owned shops and small factories, particularly those that are satellites of large industries. There are children working in large factories; however, the number is unknown, largely because documents verifying age are falsified easily. Some employers hire children because they are easier than adults to manage and less likely to organize or make demands on employers. Children working in factories usually work the same number of hours as adults. Children work in the rattan and wood furniture industries, the garment industry, the footwear industry, food processing, toy-making, and small mining operations, and other industries.

In March six children between the ages of 12 and 14 fled from a chicken farm in Klaten, Central Java, where they had been forced to work from early morning to late at night without any pay for over 1 month. The owners of the farm later were detained for questioning and put on trial. The case was settled out of court, but child labor advocates who worked on the case did not participate in the settlement decision.

Other children, mostly girls, serve as live-in domestic servants. Many begin working when they are between 14 and 16 years old. Although accurate figures are unavailable, it is estimated that the number of child domestic workers is in the millions. Observers agree that this number began increasing in 1998 as a result of the economic downturn. One study conducted by Atma Jaya University in Jakarta estimated that there were at least 400,000 children under age 15 working as domestic servants in Jakarta alone. Most of them are not allowed to study or take academic courses. There are no regulations protecting domestic workers. These children work long hours, receive low pay, are on call 24 hours per day, generally are unaware of their rights, and often are far from their families.

Children are involved in a variety of hazardous work activities. In addition to those working on fishing platforms (see Section 6.c.), children perform piece work in small shoe factories (bengkels) where they are exposed to hazardous bleaches and glues. Thousands of other children work on rubber, sugarcane, tobacco, cocoa, and coffee plantations, often helping their parents meet stiff production quotas. Many companies employing adults condone the practice of children assisting their parents in the fields. Other children are employed in construction work, quarrying, gold and other types of mining, pearl diving, and forestry activities, many of which pose serious hazards. During the year, the ILO called on the Government to stop the employment of up to 3,000 children in Central Kalimantan in gold mining. The media reported the use of mercury in Central Kalimantan gold mining, underscoring the danger posed to these children.

Some children work as scavengers in dumpsites. In the Bantar Gebang dumpsite in Bekasi (south of Jakarta), an NGO working with children there estimates that as many as 550 children ages 7 to 15 work at the dump to help their parents. About 74 percent of the children are under age 12. Children work long hours in extremely unsanitary conditions. Almost all of the children have health problems. In one survey, 84 percent of the children suffered from minor infections. NGO's have ongoing programs to teach children to avoid hazardous waste such as syringes and other potentially toxic waste.

It is believed that thousands of Muslim and Christian adolescent children in Maluku province have become soldiers and that younger children provide support services to the militias (see Section 5).

The country is a source, destination, and transit point for trafficking in children (see Section 6.f.).

e. Acceptable Conditions of Work.—There is no national minimum wage. Rather, area wage councils working under the supervision of the National Wage Council establish minimum wages for regions and basic needs figures for each province—a monetary amount considered sufficient to enable a single worker to meet the basic needs of nutrition, clothing, and shelter. The Government increased the average minimum wage by 70 percent (when adjusted for inflation) between 1992 and 1997. However, the high inflation rate in 1998 depressed sharply the purchasing power of the minimum wage. The minimum wage generally is not sufficient to meet the government-determined “minimum living need” for a single person, or a family. After the minimum wage increases in April, in Jakarta the monthly minimum wage is about \$37 (344,000 Rp), which is equal to 81 percent of the government-determined minimum living need for a single person, and down from 95 percent in 1997.

The average national minimum wage is about \$24 per month (Rp. 230,000), although wages in the most heavily populated urban areas (Jakarta area, West Java, East Java, and North Sumatra), are significantly higher. Nevertheless, enforcement of minimum wage and other labor regulations remains inadequate, and sanctions are light.

Labor law and ministerial regulations provide workers with a variety of other benefits, such as social security, and workers in more modern facilities often receive health benefits, free meals, and transportation. The law establishes 7- or 8-hour workdays and a 40-hour workweek, with one 30-minute rest period for every 4 hours of work.

The law also requires 1 day of rest weekly. The daily overtime rate is 1.5 times the normal hourly rate for the first hour and 2 times the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower and with the consent of the employee. Workers in industries that produce retail goods for export frequently work overtime to fulfill contract quotas. Observance of laws regulating benefits and labor standards varies between sectors and regions. Employer violations of legal requirements are fairly common and often result in strikes and employee protests. The Department of Manpower continues publicly to urge employers to comply with the law. However, in general, government enforcement and supervision of labor standards are weak.

Both law and regulations provide for minimum standards of industrial health and safety. Companies with more than 100 employees may obtain public recognition of their compliance with safety and health standards through a safety audit procedure. In the largely Western-operated oil sector, safety and health programs function reasonably well. However, in the country's 100,000 larger registered companies outside the oil sector, the quality of occupational health and safety programs varies greatly. The enforcement of health and safety standards is hampered severely by the limited number of qualified Department of Manpower inspectors, as well as by the low level of employee appreciation for sound health and safety practices. Allegations of corruption on the part of inspectors are common. Workers are obligated to report hazardous working conditions. Employers are forbidden by law from retaliating against those who do report, but the law is not enforced effectively. As a result, workers who remove themselves from hazardous working conditions may risk loss of employment.

f. Trafficking in Persons.—The country is a source, transit point, and destination for trafficking in women and children for the purpose of prostitution and sometimes for forced labor.

Kirsty Sword-Gusmao, the wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November that 33 pregnant East Timorese women, who had returned to East Timor, claimed that they were abducted and forced to serve as sex slaves for the TNI in West Timor.

There are credible reports of trafficking in girls and women and of temporary "contract marriages" with foreigners in certain areas, such as West Kalimantan and Sumatra, although the extent of this practice is unclear. Many such marriages are not considered legal, and the children born from them are considered born out of wedlock. According to one recent report, poor Sino-Indonesian parents from Sinkawang, West Kalimantan, who were desperate for money and believed that their daughters would have a better future, have sold thousands of their daughters into contract marriages to Taiwanese men. Some of the girls were as young as 14 years old. If such marriages fail, the women have no legal recourse. According to one source, there were as many as 10,000 Sino-Indonesian women from Sinkawang living in Taiwan whose legal status was uncertain. Others enjoy successful marriages and their families at home prosper as a result of the relationship.

Prostitution is widespread. Official statistics reported 75,106 registered prostitutes in 1999, up from 72,000 in 1995. However, NGO's estimate that there are as many as 1.3 million prostitutes in the country, 30 percent of which may be under 16 years of age. A university professor estimates that about 150,000 children enter prostitution each year. The prevalence of child prostitutes appears to vary by region. According to a recent NGO study, about 15 percent of the prostitutes in parts of Central Java were between 16 and 20 years old. In a seminar held in Batam in August, researchers reported that 50 percent of more than 1,800 sex workers that they surveyed in 1998 were younger than 18 years old. More recent estimates suggest that as many as 6,000 sex workers in Batam are under age 18. In September the ILO, in collaboration with the University of Indonesia's department of social welfare, published a preliminary study of trafficking trends in Jakarta, Batam (Sumatra), Medan (Sumatra), and Bali, which found that many girls entering prostitution after failed marriages that they had entered into when they were as young as 10 to 14.

While not documented thoroughly, the sex trade is believed widely to have increased sharply as women hurt by the economic downturn sought means of support for their families. In addition NGO findings indicate a growing trend in child prostitution and sexual exploitation. Instances of families in rural areas of Java and Sumatra being forced by economic circumstances to "sell" their daughters to local men continued to be reported. An October NGO report found that trafficking in teenage girls from North Sumatra to Singapore and Malaysia was increasing. A growing number of children enter prostitution to help their families or to support drug habits. Other teenage prostitutes come from middle class families. Child prostitutes can earn \$500 to \$1,000 (about Rp. 4.7 to 9.4 million) per month, 10 to 20 times what an unskilled factory worker earns. The demand for young girls is increasing, as many clients seek young girls who are perceived to be less likely to carry HIV/AIDS.

Police continue to uncover syndicates involved in trafficking young women and girls, many younger than age 18, to work in brothels on islands in Riau province, Jakarta, Bandung, and Surabaya (all in Java); Denpasar (Bali); Medan (Sumatra); Ambon (Maluku); Manado, Makassar, and Kendari (Sulawesi); and Jayapura, Sorong, and Merauke (Irian Jaya). Others are trafficked to Malaysia, Singapore, Japan, Taiwan, and Australia. Many of the girls and women were hired under false pretenses. One tactic commonly employed is to offer young women in rural areas jobs as waitresses or hotel employees in distant regions, typically at island resorts. After the new recruits arrive at the site they learn that they have been recruited as sex workers. In some instances, women are held forcibly at brothels or are prevented from leaving an island. In other cases, the women have no option other than to accept the work because they lack money to travel and facing other economic pressures. There also have been cases of boys involved in prostitution, especially in popular tourist destinations such as Bali and Lombok; at times such boys have been victims of trafficking, although the incidence reportedly is low.

A baby trafficking ring was uncovered in Medan in September. Four persons were arrested and three babies were confiscated as evidence. The babies allegedly were procured from low-income families and were sold to wealthy infertile couples.

Trafficking in children for forced labor, particularly onto "jermals" (fishing platforms) off the coast of North Sumatra, is a significant problem (see Sections 6.c. and 6.d.).

Hundreds of thousands of women abroad work as domestic servants. According to Ministry of Manpower statistics, there were approximately 1.5 million registered workers employed abroad from 1994 to 1999, and almost 70 percent of these workers were female. Host countries include Singapore, Hong Kong, Malaysia, Korea, and the Persian Gulf states. Although the percentage of the total is very low, in numerous cases, these women were subjected to conditions that amounted to trafficking. Recruiting agencies sometimes abuse and hold captive women recruited to work abroad as domestic servants, even before such women depart the country. The most common complaints among women working abroad are being underpaid or not paid at all; extreme working conditions and severe physical and sexual abuse also are common.

The Government, in response to negative publicity and NGO efforts, took steps to improve conditions for female migrant workers in the country and to improve consular protection for those working abroad; however, many women remain vulnerable. In contrast to NGO assertions, a consortium of labor recruiters insists that accounts of severe abuse of female migrant workers are exceptions to the norm. Nevertheless, as a result of extensive lobbying efforts, in late October, the Ministry of Manpower and Transmigration announced that it would suspend for 2 months the placement of migrant workers abroad, especially those working in the informal sector, including maids. However, on November 7, President Wahid announced that the Government was lifting the temporary ban on the basis that the ban only served to encourage more illegal placements of female workers abroad.

While there are laws designed to protect children from sexual abuse, prostitution, and incest, the Government has made no special enforcement efforts in these areas. Government efforts to combat the problem are sporadic, relatively small-scale, and of limited effectiveness. In response to public pressure, the Jakarta city government closed down brothels in the red-light district of Kramat Tunggal in North Jakarta. Meanwhile corrupt government officials, some of whom are involved in trafficking themselves, sometimes hinder enforcement efforts that compromise their financial interests. Moreover, NGO's allege that there still is considerable reluctance to acknowledge, both within society and the Government, that prostitution is a major industry.

Muslim religious groups reacted to perceived government inaction against prostitution by attempting to combat the problem themselves. Muslim groups' raids on and destruction of brothels and other venues allegedly involved in prostitution, in-

cluding massage parlors, karaoke bars, and nightclubs, increased in frequency and in degree of aggression during the year (see Section 1.c.). The actions of these religious vigilante groups merely has served to force prostitution further beyond the scrutiny of official control.

Domestic NGO's lead in the efforts to monitor and prevent trafficking. At least a dozen NGO's generally are active in combating trafficking in persons. The Indonesian Women's Association for Justice (APIK) facilitates public awareness programs in Jakarta to sensitize young women to the dangers of trafficking. The Indonesian Child Advocacy Foundation (LAAI) and the City Social Worker Group (KKSP) work to eliminate child employment on jermal fishing platforms in North Sumatra. Mitra Perempuan operates a hotline to record abuse cases and help abused women. The Indonesian Child Welfare Foundation (YKAI) issues anecdotal reports on trafficking incidents. The child labor umbrella organization, JARAK (NGO Network for Action Programs to Eliminate Child Labor in Indonesia), has 63 organizational members in 15 provinces and is involved in efforts to eliminate all aspects of child labor, including trafficking.

JAPAN

Japan is a parliamentary democracy based on the 1947 Constitution. Sovereignty is vested in the people, and the Emperor is defined as the symbol of state. Executive power is exercised by a cabinet, composed of a prime minister and ministers of state, which is responsible to the Diet, a two-house parliament. The Diet, elected by universal suffrage and secret ballot, designates the Prime Minister, who must be a member of that body. The Liberal Democratic Party (LDP), Conservative Party, and the Komeito party formed the current Government in July. The judiciary is independent.

The self defense forces are responsible for external security and have limited domestic security responsibilities. The well-organized and disciplined police force is firmly under the control of the civilian authorities. However, there continued to be credible reports that police committed some human rights abuses.

The industrialized free market economy is highly efficient and competitive in world markets and provides residents with a high standard of living.

The Government respects the human rights of its citizens; however, there are problems in some areas. There continued to be some credible reports that police and prison officials physically and psychologically abused prisoners and detainees. Officials sometimes are dismissed for such abuse but seldom are tried, convicted, and imprisoned. Violence against women and children, child prostitution, and trafficking in women are problems. Women, the Ainu (Japan's indigenous people), the Burakumin (a group whose members historically are treated as outcasts), and alien residents experience varying degrees of societal discrimination, some of it severe and longstanding. The Ministry of Justice handles complaints of discrimination. However, the Ministry's Human Rights Defense Bureau has a small staff and limited investigative or enforcement powers. The administrative system for combating human rights violations is weak. Many cases end up in court.

The Justice Ministry's Human Rights Commission continued to work on a 5-year mandate to develop measures to educate citizens about the importance of respecting human rights. In July 1999, the Commission submitted a report calling for greater attention to human rights education, particularly at the municipal level. The report also cited a number of ongoing human rights problems, including sexual harassment, violence in the home, and discrimination against the elderly, the disabled, minorities, and foreigners. The panel is to submit recommendations on relief measures by 2002.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for freedom from torture and cruel, inhuman, or degrading treatment or punishment, and the Penal Code prohibits violence and cruelty toward suspects under criminal investigation; however, reports by several bar associations, human rights groups, and some prisoners indicate that police and prison officials sometimes used physical violence, including kicking and beating, as well as

psychological intimidation, to obtain confessions from suspects in custody or to enforce discipline. There also were allegations of beatings of detainees by employees of private security companies that operate immigration detention facilities at Narita International airport. In 1998 the Supreme Court ordered the Kanagawa police to pay a \$5,850 (700,000 yen) fine to a man who was beaten in custody. Internal police reports that alleged coverups of misconduct, corruption, and bullying shook public confidence in the police at the beginning of the year, and resulted in the establishment in March of the Council on the Reform of Police Systems, a six-person board of academic and other private sector experts, to consider new rules governing police conduct and duties, as well as changes to the overall law enforcement structure. In July the Council submitted its recommendations; the Diet incorporated some of the Council's recommendations into the Revised National Police Law passed in November. The new law allows individuals to lodge complaints against the police with national and local public safety commissions. These commissions may direct the police to conduct investigations.

The Constitution and the Criminal Code include safeguards to ensure that no criminal suspect can be compelled to make a self-incriminating confession, nor convicted or punished in cases where the only evidence against him is the accused's own confession. The appellate courts have overturned some convictions in recent years on the grounds that they were obtained as a result of coerced confessions. In April, after another man admitted his guilt, prosecutors dismissed charges against a man held for over a year in police custody after having "confessed" to fraud and theft charges. He had undergone intense questioning prior to confessing. In addition civil and criminal suits alleging abuse during interrogation and detention have been brought against some police and prosecution officials. About 90 percent of all criminal cases going to trial include confessions, reflecting the priority the judicial system places on admissions of guilt. The Government points out that the high percentage of confessions, like the high conviction rate, is reflective of a higher standard of evidence needed to bring about indictment in the Japanese system. In Japan confession is regarded as the first step in the rehabilitative process.

Physical restraints, such as leather handcuffs, continue to be used as a form of punishment, and some prisoners have been forced to eat and relieve themselves unassisted while wearing these restraints. Ministry of Justice officials state that restraints are used inside prisons only when prisoners have been violent and pose a threat to themselves and others, or when there is concern that a prisoner might attempt to escape. In May the Osaka District Court awarded a prisoner \$5,000 (500,000 yen) in compensation for being confined in leather handcuffs for 3 days while he was being held in solitary confinement. The Court ruled that manacling the man after he attacked a warder was appropriate, but that the punishment's duration was too long.

Prison conditions meet most minimum international standards; however, prisons in most areas of the country are not heated, and prisoners are given only minimal additional clothing to protect themselves against cold weather. There have been cases of frostbite among the prison population. In February a foreign national prisoner was hospitalized for frostbite while incarcerated at Fuchu prison. The Ministry of Justice requested a second year of funding in August as part of a 3-year plan to install heaters in prison buildings nationwide. Individual cells will remain unheated. Prisoners may not purchase or be given supplementary food. They are discouraged strongly from complaining about conditions. Prisoners face severe restrictions on the quantity of their incoming and outgoing correspondence. The authorities read letters to and from prisoners, and the letters may be censored, or, with a court order, confiscated. All visits with convicted prisoners are monitored; however, those whose cases are pending are allowed private access to their legal representatives. Prison officials claim that the "no complaining" policy is designed to keep family members from worrying about their loved ones. For the same reason, the Justice Ministry usually does not inform a condemned inmate's family prior to the person's execution. Human rights organizations report that lawyers also are not told of an execution until after the fact, and that death row prisoners are held for years in solitary confinement with little contact with anyone but prison guards. Parole may not be granted for any reason, including medical and humanitarian, prior to an inmate serving two-thirds of his or her sentence.

In the past, the Japanese Federation of Bar Associations and human rights groups have criticized the prison system, with its emphasis on strict discipline and obedience to numerous rules. Prison rules remain confidential. Wardens continue to have broad leeway in enforcing punishments selectively, including "minor solitary confinement," which may be imposed for a minimum of 1 and not more than 60 days and in which the prisoner is made to sit (for foreigners) or kneel (for Japanese) motionless in the middle of an empty cell.

Conditions in immigration detention facilities meet most international standards. The Government restricts access to prisons and detention facilities by human rights groups.

d. Arbitrary Arrest, Detention, or Exile.—Constitutional provisions for freedom from arbitrary arrest or imprisonment generally are respected in practice. The law provides for judicial determination of the legality of detention. Persons may not be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that probable cause exists in order to detain the accused. Under the Code of Criminal Procedure, a suspect may be held in police custody for up to 72 hours without judicial proceedings. A judge may extend preindictment custody based on a prosecutor's application by up to two consecutive 10-day periods. These extensions are sought and granted routinely. Under extraordinary circumstances, prosecutors may seek an additional 5-day extension, bringing the maximum period of preindictment custody to 25 days.

In 1999 the Supreme Court upheld as constitutional the section of the Criminal Procedure Code under which police and prosecutors have the power to control and may limit access by legal counsel when deemed necessary for the sake of an investigation. Counsel may not be present during interrogations at any time before or after indictment. As a court-appointed attorney is not approved until after indictment, suspects must rely on their own resources to hire an attorney before indictment, although local bar associations provide detainees with limited free counseling. Critics charge that access to counsel is limited both in duration and frequency; the Government denies that this is the case. An attorney is provided at government expense after indictment if the arrested person cannot afford one. In 1999 presentencing bail was available in 15.6 percent of cases.

Bar associations and human rights groups have criticized the use of a "substitute prison system" for prisoners awaiting court hearings. Although the law stipulates that suspects should be held in "houses of detention" between arrest and sentencing, a police detention facility may be substituted at the order of the court. This provision originally was added to cover a shortage of normal detention facilities. According to year-end Ministry of Justice data, normal detention facilities were filled to 66.2 percent of capacity in 1999. Critics charge that allowing suspects to be detained by the same authorities who interrogate them heightens the potential for abuse and coercion. The Government counters that cases sent to police detention facilities tend to be those where the facts are not in dispute. A 1997 Justice Ministry regulation permits detention house officials to limit the amount of documentation related to ongoing court cases retained by prisoners.

The length of time before a suspect is brought to trial depends on the nature of the crime but rarely exceeds 3 months from the date of arrest; the average is 1 to 2 months. In one case an accused allegedly was held for 3 years.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The judiciary is independent and free from executive branch interference. The Cabinet appoints judges for 10-year terms, which can be renewed until judges reach the age of 65. Justices of the Supreme Court can serve until the age of 70 but face periodic review through popular referendums.

There are several levels of courts, including high courts, district courts, family courts, and summary courts, with the Supreme Court serving as the highest judicial authority. Normally a trial begins at the district court level, and a verdict may be appealed to a higher court, and ultimately, to the Supreme Court.

The Government respects in practice the constitutional provisions for the right to a speedy and public trial by an impartial tribunal in all criminal cases. Although most criminal trials are completed within a reasonable length of time, cases may take several years to work their way through the trial and appeals process. For example, in the complex 1995 case of the Aum Shinrikyo cult sarin gas attack on the Tokyo subway system, trials of seven senior members of the cult were still underway in district courts at year's end, although 193 trials stemming from the attack have been completed.

There is no trial by jury. The defendant is informed of the charges upon arrest and is assured a public trial by an independent civilian court with defense counsel and the right of cross-examination. The Constitution provides defendants with the right not to be compelled to testify against themselves as well as to free and private access to counsel. However, the Government contends that the right to consult with attorneys is not an absolute one and can be restricted if such restriction is compatible with the spirit of the Constitution. Access is sometimes abridged in practice; for example the law allows prosecutors to control access to counsel before indictment, and there are allegations of coerced confessions (see Section 1.c.). Defendants are protected from the retroactive application of laws and have the right of access to incriminating evidence after a formal indictment has been made. However, the

law does not require full disclosure by prosecutors, and material that the prosecution does not use in court may be suppressed. Critics claim that legal representatives of defendants do not always have access to all needed relevant material in the police record to prepare their defense. A defendant who is dissatisfied with the decision of a trial court of first instance may, within the period prescribed by law, appeal to a higher court.

No guidelines mandate the acceptable quality of communications between judges, lawyers, and non-Japanese speaking defendants, although the Supreme Court publishes handbooks explaining the legal procedures and terms for court interpreters. In April the Supreme Court introduced a training system to help court interpreters understand complicated trial procedures. However, no standard licensing or qualification system for certifying court interpreters exists, and a trial may proceed even if the accused does not understand what is happening or being said. The Supreme Court's 1998 statistics show a chronic shortage of qualified court interpreters, particularly for non-English speaking defendants. Foreign prisoners frequently claim that police urge them to sign statements in Japanese that they cannot read, and that are not adequately translated.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution protects the right to privacy of family, home, and correspondence, and the Government respects this right in practice. Under the Constitution, each search or seizure must be based on a separate warrant issued by a judge. Standards for issuing such warrants exist to guard against arbitrary searches. In August the Diet enacted legislation, which allows law enforcement authorities to use wiretaps in certain criminal investigations, including suspected drug offenses, murder, and trafficking in persons. The legislation also stiffened penalties for the unauthorized use of wiretaps by police authorities. Under this legislation, wiretaps can only be used if law enforcement officials can demonstrate that all other investigative techniques have been ineffective.

There were no new developments in the long-standing effort by groups representing the women and the disabled to obtain a government investigation, a formal apology, and compensation in the case of the several thousand disabled women who were sterilized without their consent between 1949 and 1992. A law that the Government revoked in 1996 permitted doctors to sterilize persons with mental or physical disabilities or certain hereditary diseases without consent, after they had received the approval of committees appointed by local governments.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press.

Academic freedom is protected. However, the Education Ministry's decision to order revisions to elementary, middle, and high school textbooks based on national curriculum guidelines remains a source of domestic and international controversy. In 1997 the Supreme Court ruled that state screening of textbooks did not violate the constitutional provisions for freedom of expression.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government respects these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Following the 1995 Aum Shinrikyo terrorist attacks, a 1995 amendment to the Religious Corporation Law gave government authorities increased oversight of religious groups and required greater disclosure of financial assets by religious corporations. The amendment allows authorities to monitor more effectively the operations of registered religious corporations. The Government does not require that religious groups be licensed. However, to receive official recognition as a religious organization, which brings tax benefits and other advantages, a group must register with local or national authorities as a "religious corporation." In practice almost all religious groups register.

The only religion under active government surveillance is the Aum Shinrikyo cult. Aum Shinrikyo lost its legal status as a religious organization in 1996 following its sponsorship of terrorist attacks. In response to reports of increased cult fundraising and recruitment activities, local police and communities have taken measures against cult members and chapters, including denying residency permits and public school access to cult leader Asahara's children. In December 1999, the Diet passed a set of bills that allow the authorities to more easily seize the group's assets, tight-

en surveillance against it, and force it to pay compensation to victims of its past crimes.

Members of the Unification Church and Jehovah's Witnesses have alleged that police do not act in response to allegations of forced deprogramming of church members. They also claim that police do not enforce the laws against kidnaping when the victim is held by family members, asserting that Unification Church members are subjected to prolonged arbitrary detention by individuals, who are not charged by police.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens have the right to travel freely both within the country and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Citizenship may be forfeited by naturalization in a foreign country or by failure of persons born with dual nationality to elect Japanese citizenship at the required age.

Revisions to the immigration law aimed at reducing visa overstays and smuggling of persons became effective in February. The new law imposes stiff penalties on persons illegally entering the country, and those deported are denied reentry for at least 5 years instead of the previous penalty of 1 year.

Asylum and refugee policy is in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In recent years, the Government has granted asylum to those claiming fear of persecution in only a small number of cases. It believes that most persons seeking asylum in the country do so for economic reasons. During the year, approximately 300 persons in the country were either seeking asylum or accorded refugee status. As of year's end, the Government had recognized 22 refugee cases; 202 new asylum cases were pending. According to the U.N. High Commissioner for Refugees (UNHCR) most new applicants were from Pakistan, Burma, Afghanistan, and Iran. In addition approximately 10,400 Vietnamese nationals are permitted to reside in the country under special residence permits.

The Government has shown flexibility in dealing with visa extensions for Chinese student dissidents, although it continues to be reluctant to grant permanent asylum. Burmese asylum applicants have complained that asylum cases can go on for years without a formal decision.

The Government requires applicants to appear at an immigration office within 60 days of arrival or within 60 days of learning that they are likely to be persecuted in their home country. Individuals who do not present their applications within the 60-day time frame due to extenuating circumstances may apply for an exception. An alien who is recognized as a refugee has access to educational facilities, public relief and aid, and social welfare benefits. An alien who is denied refugee status may appeal the decision to the Ministry of Justice. Rejected applicants also may take their cases to court if Ministry authorities do not recognize their objections. In an effort to make procedures clearer to applicants, the Government distributes a pamphlet in English, Chinese, and eight other languages to those interested in the asylum process.

While the Government sometimes grants first asylum, there are no standard procedures established, and the Justice Ministry and the Foreign Affairs Ministry jointly decide upon such grants on a case-by-case basis. In 1998 the Justice Ministry began reversing an earlier decision to deny asylum to a group of Burmese prodemocracy students. In 1999 another 40 to 50 persons denied asylum were granted special residency status renewable on a yearly basis as of year's end. During the reporting period, 12 Afghan nationals who had been denied asylum on first application were granted special resident status, and approximately 15 other persons had been granted this status for humanitarian reasons as well.

There were no reports that persons were forced to return to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government peacefully and are able to exercise this right in practice through frequent, free, and fair elections on the basis of universal suffrage by secret ballot. In 1998 the Diet granted citizens living overseas the right to vote for candidates in national elections in races based on proportional representation. In 1999 the Diet extended these absentee voting privileges to fishermen and mariners.

The country is a parliamentary democracy governed by the political party or parties able to form a majority in the lower house of its bicameral Diet. The Liberal Democratic Party, the Conservative Party, and the Komeito party formed the current Government in July.

There are no legal impediments to women's participation in government and politics, but they are underrepresented in both areas. In recent years there has been a slow increase in the number of women holding public office. As of December, women held 36 seats in the 480-member lower house of the Diet (7.5 percent), and 43 of the 252 seats in the upper house (17.1 percent), the highest number since 1946. There are 2 women in the 19-member Cabinet. Two of the country's 47 governors are women (in Osaka prefecture and in Kumamoto); both were elected during the year.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights organizations function freely, without governmental restrictions, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views, although the Government restricts access to prisons and detention facilities by human rights groups (see Section 1.c.).

The Justice Ministry's Human Rights Commission continued to work on a 5-year mandate to develop measures to educate citizens about the importance of respecting human rights. In July 1999, the Commission submitted a report that called for greater attention to human rights education, particularly at the municipal level, and cites a number of ongoing human rights problems, including sexual harassment, violence in the home, and discrimination against the elderly, the disabled, minorities, and foreigners. The panel is expected to submit recommendations on relief measures by 2002.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, sex, social status, or family origin, and, in general, the Government respects these provisions.

Women.—According to National Police Agency statistics, 2,060 rapes and 6,310 indecent assaults were reported through November. However, a government-sponsored poll showed that violence against women, particularly domestic violence, often goes unreported due to social and cultural concerns about shaming one's family or endangering the reputation of one's spouse or offspring. Husbands have been prosecuted for spousal rape; usually these cases involve a third party who assisted in the rape. The National Police Agency confirmed 7 cases of spousal rape through November. Typically women who are victims of domestic violence return to the home of their parents rather than file reports with the authorities. Therefore National Police Agency statistics on violence against women probably understate the magnitude of the problem. In the domestic violence survey conducted by the Prime Minister's Office released in February, 5 percent of wives said they had experienced "life-threatening violence" at least once. According to a survey conducted by the Prime Minister's Office in 1998, one in three women reported some form of physical abuse in the home. Frequent complaints by female commuters that they have been groped or otherwise molested on crowded trains led the Tokyo Metropolitan Police Department to establish special molestation complaint offices at three Tokyo train stations in 1995. In December the Keio Electric Railway Company announced plans to introduce women-only rail cars on late night trains in the Tokyo area over the holiday season to deal with the problem of groping. A Keio spokesman stated that the company had received 351 complaints about groping in the year ending March 31, an increase of 100 complaints over the previous 12-month period. Many local governments are responding positively to a need for confidential assistance by establishing special women's consultation departments in police and prefectural offices. A new antistalking law went into effect in November in response to rising complaints about women's lack of recourse in dealing with stalkers. Through December 26, the police arrested 20 persons under this new law.

Trafficking in women is a problem (see Sections 6.c. and 6.f.).

The Constitution and the Equal Employment Opportunity (EEO) Law prohibit sexual discrimination and provide for individual dignity and the essential equality of the sexes in the family. However, sexual harassment in the workplace remains widespread. A 1997 survey by the Ministry of Labor reported that 62 percent of women claimed to have experienced at least one act of sexual harassment. A National Personnel Authority survey of female public servants conducted from July to September similarly found that 69.2 percent of all female respondents believe they have been subjected to acts that constitute sexual harassment. The National Personnel Authority established workplace rules in April 1999 in an effort to stop harassment in public servants' workplaces. New survey data indicates that the most severe forms of sexual harassment may be declining in government workplaces; fe-

male public servants who said that their bosses had pressured them into a sexual relationship dropped from 17 percent in 1997 to 2.2 percent. In April 1999, a revision to the 1997 Equal Employment Opportunity (EEO) Law intended to address problems of sexual harassment and discrimination against women went into effect. The revised EEO Law includes measures to identify companies that fail to prevent sexual harassment, although it does not include punitive measures to enforce compliance. The new law's only penalty is that names of companies that practice sexual discrimination can be publicized. The Ministry of Labor does not enforce compliance through fines or other punitive penalties. However, since the 1999 revision, there was a 35 percent jump in consultations over workplace sexual harassment cases. Under a 1997 revision to the Labor Standards Law an arbitration committee is allowed to initiate procedures to help ensure the rights of female workers at the worker's request, without first having to obtain approval from both management and the worker's union. A number of government entities continued to establish hot lines and designate ombudsmen to handle complaints of discrimination and sexual harassment.

In August the former governor of Osaka, Isamu Yamada, was sentenced to an 18-month suspended prison term after pleading guilty in a criminal court to molesting a 21-year-old campaign worker. In a 1999 civil suit, he was ordered to pay the campaign worker \$107,000 (11,235,000 yen), the largest award ever in the country in a sexual harassment suit. Women's groups viewed the result as a positive step forward in the effort to combat sexual harassment.

The Labor Standards Law forbids wage discrimination against women. Under the revised EEO Law, women may work overtime shifts for the first time.

Women make up 40 percent of the labor force, and women between the ages of 15 and 64 have a labor force participation rate of 51 percent. Although the Labor Standards and the EEO law prohibit wage discrimination against women, in 1999 female workers on average earned only 62 percent of average male earnings. Women age 20 to 24 earned 91 percent of men's wages for this age group, but average earnings of women age 50 to 54 were only 54 percent of the earnings of men in this age cohort. Much of this disparity results from the "two-track" personnel administration system found in most larger companies, under which new hires are put into one of two categories: Managerial track (those engaged in planning and decision-making jobs and with the potential to become top executives), or general track (those engaged in general office work). According to a 1998 survey by the Management and Coordination Agency, women held 9.2 percent of managerial positions. A 1998 Labor Ministry survey found that over half of the companies with a two-track personnel system did not even consider women for managerial track positions. According to the Home Ministry, as of April 1999, women constituted 32 percent of all local government workers but held only 4 percent of top local government positions. Female workers have suffered disproportionately from the continued sluggishness of the economy. A 1999 Rengo labor union study reported that the number of nonworking women grew by 420,000 as many gave up looking for jobs due to the tight employment market.

In addition to discrimination, the traditional male/female division of labor at home places disproportionate burdens on working women, who are still responsible for almost all child care and household duties.

Women's and disabled person's advocacy groups continue to press for a government investigation into sterilization cases that were carried out between 1949 and 1992, a formal government apology and compensation (see Section 1.f.).

In 1993 the government spokesperson publicly acknowledged and apologized for the former Imperial Government's involvement in the army's practice of forcing as many as 200,000 women (including Koreans, Filipinos, Chinese, Indonesians, Dutch, and Japanese) to provide sex to soldiers between 1932 and 1945. A 1999 U.N. Sub-commission on Prevention of Discrimination and Protection of Minorities report included a recommendation that the Government provide state compensation to former "comfort women" and prosecute those responsible for setting up and operating "comfort stations" during World War II. The Government has been unwilling to pay direct compensation to individual victims, on the grounds that postwar treaties already settled all war claims.

The "Asian Women's Fund" (AWF) was established in 1995 as a private, government-sponsored fund to "extend atonement and support" to former "comfort women." The AWF supports three types of projects: Payments to individual victims; medical and welfare assistance to individual comfort women; and funding projects to improve the general status of women and girls. Projects in the first category are funded by private donations, while the second and third types of projects are financed by the Government and administered by the AWF. As of December, the AWF had collected donations totaling approximately \$4.6 million (486 million yen) and given

lump-sum payments of almost \$19,000 (2 million yen) each and a letter of apology signed by the Prime Minister to more than 170 women. These women also received medical and welfare assistance from the AWF. In 1998 the AWF reached an agreement with a Dutch affiliate to start compensation payments to former Dutch comfort women. Government officials estimate that up to 100 Dutch women were forced to provide sexual services during World War II.

The Government's refusal to pay direct compensation continues to draw international criticism. In December a coalition of NGO's held the Women's International War Crimes Tribunal in Tokyo, a 5day long mock trial designed to publicize the plight of former comfort women and the sentiment among many that the Government had not taken responsibility adequately for the abuses suffered by comfort women during World War II. In September, 15 former comfort women filed a class action lawsuit in a U.S. federal district court against the Japanese Government seeking compensation and an apology. At year's end, the case was pending. Similar lawsuits have been filed in other jurisdictions in previous years. In 1998 the Yamaguchi District Court ordered the Government to pay \$2,542 (300,000 yen) in state compensation to three Korean former sex slaves for neglecting its constitutional duty to enact compensation legislation following the Government's 1993 admission. However, the Court denied the plaintiffs' demand for an official government apology. This was the first court judgment rendered in favor of foreign war victims. Five other cases concerning former comfort women are pending in Tokyo District Court.

Children.—The Government is committed to children's rights and welfare, and in general, the rights of children are protected adequately. Boys and girls have equal access to health care and other public services. Education is free and compulsory through the lower secondary level (age 14). Education is available widely to students who meet minimum academic standards at the upper secondary level through the age of 18.

Public attention also is focused increasingly on reports of frequent child abuse in the home. According to the National Police Agency, 44 children died of abuse or neglect, one less than in 1999. However, the number of child abuse cases increased 55 percent during the year. The police investigated 186 cases of child abuse during the year, in which 182 adults were arrested and 166 children put into state protection. Child protection centers also dealt with 12,411 cases of abuse, an increase of 60 percent over the previous year. A March 1999 report by the Ministry of Health and Welfare warned that recent cuts in funding by local governments to centers handling child abuse cases was exacerbating the problem, particularly since case-loads at counseling centers nearly doubled from 1988 to 1996. However, in May the Diet's enactment of a law granting child welfare officials authority to prohibit abusive parents from meeting or communicating with their children raised public awareness of the problem of child abuse. The law also bans abuse under the guise of discipline and obliges teachers, doctors, and welfare officials to report any suspicious circumstances.

Severe bullying ("ijime") continued to be a societal concern, at elementary and junior high schools, bullying most often involves verbal abuse, with physical abuse occurring more often at the high school level. However, because many cases go unreported, it is difficult to determine the exact number. According to a 1998 Management and Coordination Agency study, one in three elementary and junior high school students has been bullied, but more than one-third of the victims did not report the bullying to anyone. An Education Ministry survey released in August reported 18,900 cases of student-on-student violence in public schools during the 1999–2000 academic year. In June a court ruling linked an elementary school boy's 1994 suicide to corporal punishment inflicted by his teacher apparently this was the first time a teacher has been held accountable for such action by the courts. Educators, lawyers, and members of the boy and teacher's families residing in the Hyogo region where the incident occurred set up committees on classroom discipline and hot lines designed to prevent similar violence in the future. In addition to compiling statistics on bullying and consulting with various groups concerned with children's welfare, the Ministry of Justice's Office of the Ombudsman for Children's Rights provides counseling services for children 18 years of age and younger who have been victims of bullying.

Teachers also increasingly are becoming the targets of student violence. Education Ministry statistics for 1999 showed an 11.2 percent increase in assaults on teachers by students from the previous year.

In previous years, both the Government and society in general appeared to take a lenient attitude toward teenage prostitution and dating for money (which may or may not have involved sexual activities). However, in 1999 the Diet passed a law, which went into effect late that year, banning sex with children under age 18 as

well as the production, sale, or distribution of child pornography. The law has reduced the open availability of child pornography. The law was passed following heightened public attention to a growing problem of teenage prostitution and international criticism over Japan's lax laws on child pornography. And, whereas in 1998 INTERPOL estimated that 80 percent of Internet sites with child pornography originated in Japan, by late 1999, after passage of the law, the police reported most of these locations had either disappeared entirely or were accessible only at random hours so as to avoid detection and arrest. Since April 1999, operators of pornographic home pages and suppliers of pornographic images have been required to register with local safety commissions and to ban offering such pages to persons under the age of 18. However, teenage prostitution and dating for money continued to be a societal concern. Through October the police arrested 508 persons for patronizing teenage prostitutes.

Under juvenile law, juvenile suspects are tried in family court and have the right of appeal to an appellate court. Family court proceedings are not open to the public, a policy that has been criticized by family members of juvenile crime victims. The number of juveniles arrested and sent to prosecutors was down 6.3 percent in 1999, according to the National Police Agency.

During the year, the Tokyo prefectural government put into effect programs to protect the welfare of stateless children, whose births their illegal immigrant mothers refused to register for fear of forcible repatriation. Justice Ministry statistics showed 837 stateless minors under age 5 in 1999.

People with Disabilities.—The law does not mandate accessibility to buildings for the disabled; however, 1994 legislation on construction standards for public facilities allows operators of hospitals, theaters, hotels, and similar enterprises to receive low-interest loans and tax breaks if they build wide entrances and elevators to accommodate those with disabilities. There are an estimated 2.9 million physically disabled and roughly 2 million mentally disabled persons. Although not generally subject to overt discrimination in employment, education, or in the provision of other state services, the disabled face limited access to public transportation, "mainstream" public education, and other facilities. In November the barrier free transportation law took effect requiring public transport systems to take measures to make their facilities more accessible to the disabled as well as the elderly. In January revisions to the Civil Code went into effect to enable persons with hearing problems or speech impediments to create valid wills; previously they could not because they cannot "convey orally" to a notary the contents of a will or affirm that the text the notary reads back to them is correct.

The Deliberation Panel on the Employment of the Handicapped, which operates within the Ministry of Labor, has mandated since 1976 that private companies with 300 or more employees hire a fixed minimum proportion of disabled persons. The penalty for noncompliance is a fine. A 1998 cabinet directive ordered private companies to raise the proportion of physically disabled persons in their work force from 1.6 to 1.8 percent and raised the percentage of disabled persons among civil servants from 2 to 2.1 percent.

An amendment to the Law to Promote the Employment of the Handicapped to include the mentally disabled took effect in 1998. The amendment also loosened the licensing requirements for community support centers that promote employment for the disabled, and it introduced government subsidies for the employment of mentally disabled persons in part-time jobs.

In 1995 the Headquarters for Promoting the Welfare of Disabled Persons, set up by the Prime Minister's Office, recommended that municipalities draw up formal plans for the care of disabled citizens by the end of March 1997. In 1996 the Ministry of Health and Welfare also instructed local governments to set numerical targets for the number of home help providers and care facilities allocated to the disabled. However, only one-third of the nation's municipalities have formal care plans for disabled citizens.

Women's and disabled person's advocacy groups continue to press for a government investigation into sterilization cases that were carried out between 1949 and 1992, a formal government apology, and compensation (see Section 1.f.).

Indigenous People.—The Ainu are a people descended from the first inhabitants of Japan. Under an 1899 law, the Government pursued a policy of forced assimilation, imposing mandatory Japanese language education and denying the Ainu their right to continue traditional practices. The law also left the Ainu with control of only approximately 0.15 percent of their original land holdings.

In 1997 the Sapporo District Court ruled that the Ainu were a minority aboriginal race, and later that year the Diet passed the Law to Promote Ainu Culture. The law officially recognized the Ainu as an ethnic minority and required all prefectural governments to develop basic programs for promoting Ainu culture and traditions.

It canceled a series of previous laws that discriminated against the Ainu, including an 1899 law. However, the law stopped short of recognizing the Ainu as the indigenous people of Hokkaido and also failed to address whether they deserved special rights as a distinct ethnic group. The new law did not mandate civil rights protection for the Ainu. A nonbinding accompanying resolution referred to the Ainu as a legal Japanese minority. A 1998 report submitted by the U.N. Special Rapporteur to the 16th U.N. Working Group on Indigenous Populations stated that the Ainu had never entered into a consensual juridical relationship with any state and stated that the lack of such an agreement deprived them of their rights. Many Ainu criticize the Law to Promote Ainu Culture for not advancing Ainu political rights and criticize the Government for not providing funds for noncultural activities that would improve Ainu living conditions or financial status.

The Ainu continue to face societal discrimination while engaging in an uphill struggle against complete assimilation. An Ainu language newspaper was established in 1997. In 1998 a local Hokkaido radio station began broadcasting a weekly 15-minute Ainu-language program. Also in 1998, the Japan Ainu Association, a nationwide organization of Ainu, was established to lobby the Government for economic assistance and greater social welfare benefits for Ainu throughout the country.

National/Racial/Ethnic Minorities.—The homogeneous nature of Japanese society impedes the integration of minority groups. This historically has affected Burakumin, Koreans, and alien workers.

The Burakumin (descendants of feudal era “outcasts” who practiced “unclean” professions such as butchering and undertaking), although not subject to governmental discrimination, are frequently victims of entrenched societal discrimination, including restricted access to housing and employment opportunities. They are estimated to number approximately 3 million, but most prefer to hide their identity. In a 1993 government survey, 33 percent of Burakumin said that they suffered discrimination at some point during their lifetime, with 24 percent experiencing difficulties in marriage, 24 percent in daily life, and 21 percent at their place of work. Beginning in 1969, the Government introduced with some success a number of social, economic, and legal programs designed to improve conditions for the Burakumin and hasten their assimilation into mainstream society. However, in recent years, some within the Burakumin community have questioned whether assimilation is an appropriate goal. When the basic legislation to provide funding for Burakumin programs expired in 1997, the Government enacted legislation effective for 5 years that retains 15 of the original 45 programs for Buraku communities.

In 1997 the Buraku Liberation League rewrote its manifesto for the first time in 13 years, placing less emphasis on class struggle and more emphasis on civil rights, social welfare, and the environment. The new platform also replaced the term Burakumin (hamlet people) with Buraku Jumin (hamlet residents), to try to debunk the false concept that these people are a different race from other Japanese. The platform was adopted at a national convention.

According to the Ministry of Justice, there were nearly 1.5 million legal foreign residents as of December 31, 1999, accounting for 1.23 percent of the population. Of these approximately 636,500 were ethnic Koreans, followed by 294,200 Chinese, and 224,300 Brazilians. The number of Korean residents—a record low 40.9 percent of the foreign population in 1999—has been decreasing steadily as Korean nationals naturalize or marry Japanese, which allows their children to gain Japanese citizenship automatically. Despite improvements in legal safeguards against discrimination, Korean permanent residents (most of whom were born, raised, and educated in Japan) still are subject to various forms of deeply entrenched societal discrimination.

Other foreigners also are subject to discrimination. There is a widespread perception that many crimes are committed by foreigners. In May the governor of Tokyo stated publicly that foreigners in the country might riot after an earthquake and warned that the country's self defense forces should be prepared. In December the Tokyo police admitted that as part of an anticrime effort, 700 posters, which ultimately were not used, had been issued to police stations to post in the Tokyo area that noted the increase in crime among foreigners, particularly among Chinese, and that urged citizens to call the police if they heard persons speaking Chinese. Justice Ministry officials in Toyama Prefecture ordered several shops to remove notices printed in English and Russian that warned persons they could not enter the stores if they did not understand Japanese on the grounds that the notices constituted racial discrimination.

By law aliens with 5 years of continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to vote. However, in practice most eligible aliens choose not to apply for citizenship, in part

due to fears that their cultural identity thereby would be lost. Obstacles to naturalization include broad discretion available to adjudicating officers and great emphasis on Japanese language ability. Naturalization procedures also require an extensive background check, including inquiries into the applicant's economic status and assimilation into Japanese society. Koreans are given the option of adopting a Japanese surname. The Government defends its naturalization procedures as being necessary to ensure the smooth assimilation of foreigners into Japanese society. Alien permanent residents may live abroad up to 4 or 5 years without losing their right to permanent residence the country.

In 1995 the Supreme Court ruled that the Constitution does not bar permanent foreign residents from voting in local elections. However, the Court also ruled that existing laws denying voting rights to foreign residents are not unconstitutional. In April and in August, the Supreme Court upheld Nagoya and Osaka High Court decisions rejecting appeals by Korean permanent residents demanding the right to vote in local elections. The courts have consistently ruled that limiting the vote to Japanese nationals is constitutional, but that the Diet could legislate suffrage for foreign residents. A ruling coalition proposal to submit such legislation for Diet approval was a major point of discussion during Korean President Kim Daejung's visit to Tokyo in September. However, at year's end the Government had not introduced the proposed legislation. In March 1999, the Osaka Prefectural Assembly passed a measure granting permanent residents local suffrage, becoming the third prefecture to pass such a bill.

Under the School Education Law, students attending Chinese, Korean, or other non-Japanese schools are not eligible to take national university examinations. However, in August the Education Ministry announced that beginning in 2001, graduates of non-Japanese schools would be eligible to take national university examinations if they pass a state-run high school equivalency test. A number of local governments provide subsidies to Korean schools; the central Government does not subsidize any non-Japanese language schools.

In April a revised law to end the practice of fingerprinting permanent foreign residents went into effect. Instead of fingerprinting, the Government established a family registry system that uses the resident's picture and signature and contains information on parents and spouses living in the country, a system similar to that used for Japanese nationals. All foreign residents still are required to carry alien registration certificates at all times, but the revised law reduces the penalties imposed on those found without documentation. The Government restored a Korean woman's permanent residency status 2 days after the new law entered into effect, 14 years after she had lost it for refusing to be fingerprinted.

In 1996 the Home Affairs Ministry reversed the long-held national policy of opposition to localities lifting the Japanese nationality requirement for public servants. However, the Ministry instructed local governments to restrict noncitizens' access to jobs that involved the exercise of public authority and formation of public opinion. The directive also required local governments to clearly state which jobs were closed to noncitizens. Some of the jobs considered off limits include tax collection, construction permit issuance, sanitation inspection, and firefighting.

Several local governments already have changed their rules in response to the Government's new position. In 1999 the Hakodate municipal government began to allow foreign residents to take employment tests for all city jobs except firefighters. According to a 1997 joint survey conducted by the All Japan Prefectural and Municipal Workers Union and the Korean Residents Association in Japan, 19.8 percent of local governments still forbid the hiring of noncitizens.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers to associate freely in unions. Approximately 12 million workers, 22 percent of all employees, belong to labor unions. Unions are free of government control and influence. Most unions are involved in political activity as well as labor relations, but they are not controlled by political parties. The Japanese Trade Union Confederation, which represents 7.6 million workers and was formed in 1989 through the merger of several confederations, is the largest labor organization. There is no requirement for a single trade union structure, and there are no restrictions on who may be a union official. Members of the armed forces, police, and firefighters are not permitted to form unions or to strike. These restrictions have led to a long-running dispute before the International Labor Organization's (ILO) Committee on the Application of Conventions and Recommendations over the observance of ILO Convention 98 concerning the right to organize and bargain collectively. The Committee has observed that these public employees have a limited capacity to participate in

the process of determining their wages and has asked the Government to consider any measures it could take to encourage negotiations with public employees.

The right to strike, implicit in the Constitution, is exercised. During 1999 87,000 workdays involving 26,000 employees were lost to strikes. The law prohibits retribution against strikers and is enforced effectively. Public employees do not have the right to strike.

Unions are free to affiliate internationally and are active in international bodies, most notably the International Confederation of Free Trade Unions, and maintain extensive international contacts.

b. The Right to Organize and Bargain Collectively.—The Constitution provides unions with the right to organize, bargain, and act collectively. These rights are exercised freely, and collective bargaining is practiced widely. The annual “Spring Wage Offensive,” in which individual unions in each industry conduct negotiations simultaneously with their firms, involves nationwide participation. Management usually consults closely with its enterprise union. However, trade unions are independent of management and aggressively pursue the interests of their workers. The law prohibits antiunion discrimination, and adequate mechanisms exist for resolving cases that occur, including the reinstatement with back wages of any workers fired for union activities. However, the collective bargaining rights of public employees are limited. The Government determines the pay of government employees based on a recommendation by the independent National Personnel Authority.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution provides that no person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited. Although children are not specified in the provision, this legal prohibition against forced or compulsory labor applies equally to adults and to children. Although in general forced or bonded labor does not occur, women are trafficked to Japan and coerced into prostitution (see Section 6.f.).

In September a U.S. federal judge dismissed 13 lawsuits filed by former Allied prisoners of war against several Japanese companies seeking compensation for forced labor during World War II on the grounds that these claims were settled by the 1951 San Francisco Treaty of Peace with Japan barring war-related claims. The judge did not rule on whether similar suits filed by plaintiffs from China and South Korea, which were not signatories to the Treaty, could continue. Survivors and families of Chinese and Korean workers also continue to press claims for damages and compensation for their forced labor during the war, both in Japanese civil courts and in complaints to the ILO. In 1999 the Tokyo High Court ordered the Kajima Corporation to settle with Chinese wartime laborers and their survivors for forced labor at the Hanaoka copper mine it operated during the war. On November 29, the Kajima Corporation agreed to establish a \$4.6 million (500 million yen) fund to be administered by the Chinese Red Cross to compensate wartime workers. This was the first such settlement with Chinese forced to work in Japan during the war; however, the Kajima Corporation noted that the settlement did not represent an official acknowledgement of liability for events at the mine. An ILO committee has called on the Government to take additional measures to satisfy individual Chinese and Korean victims of forced labor during the war.

The Asian Women's Fund continued to support former comfort women, who were forced to provide sexual services to Japanese troops during World War II (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bans the exploitation of children. Both societal values and the rigorous enforcement of the Labor Standards Law protect children from exploitation in the workplace. The Government prohibits forced or bonded labor, including that performed by children and enforces this prohibition effectively (see Section 6.c.).

Child labor is virtually nonexistent. By law children under the age of 15 may not be employed, and those under age 18 may not be employed in dangerous or harmful jobs. The Labor Inspection Division of the Ministry of Labor, which vigorously enforces the Labor Standards Law, reports no violations. Society places an extremely high value on education, which is compulsory through the lower secondary (i.e., ninth grade) level. Enrollment levels for both boys and girls through the free and widely available upper secondary level (age 18) exceed 95 percent.

e. Acceptable Conditions of Work.—Minimum wages are set on a regional (prefectural) and industry basis, with the input of tripartite (workers, employers, public interest) advisory councils. Employers covered by a minimum wage must post the concerned minimum wages, and compliance with minimum wages is considered widespread. Minimum wage rates, effective during the year, ranged from \$53 (5,560 yen) per day in Tokyo and Osaka to \$46 (4,795 yen) in Miyazaki, Aomori, Iwate, and Akita prefectures and are considered sufficient to provide a worker and family

with a decent standard of living. The Labor Standards Law provides for a 40-hour workweek for most industries and mandates premium pay for hours worked over 40 in a week, or 8 in a day. However, labor unions frequently criticize the Government for failing to enforce maximum working hour regulations in smaller firms.

The Immigration Bureau of the Justice Ministry estimated that, as of January 1, there were 251,697 foreign nationals residing illegally in the country. Illegal immigrants come primarily from South Korea, the Philippines, China, Thailand, and Malaysia.

While many foreign illegal residents came in search of better paying manufacturing and construction jobs, these opportunities decreased during the economic slowdown. Thus more of the foreign workers are unemployed or marginally employed. Activist groups claim that employers exploit or discriminate against foreign workers, who often have little or no knowledge of the Japanese language or their legal rights. The Government has tried to reduce the inflow of illegal foreign workers by prosecuting employers. Recent revisions of the Immigration Law provide for penalties against employers of undocumented foreign workers. Suspected foreign workers also may be denied entry for passport, visa, and entry application irregularities. The August 1999 revision to the immigration law also established penalties for illegal stays separate from existing injunctions against illegal entry. The Government continues to study the foreign worker issue, and several citizens' groups are working with illegal foreign workers to improve their access to information on worker rights.

The Ministry of Labor effectively administers various laws and regulations governing occupational health and safety, principal among which is the 1972 Industrial Safety and Health Law. Standards are set by the Ministry of Labor and issued after consultation with the Standing Committee on Safety and Health of the Central Labor Standards Council. Labor inspectors have the authority to suspend unsafe operations immediately, and the law provides that workers may voice concerns over occupational safety and remove themselves from unsafe working conditions without jeopardizing their continued employment.

f. Trafficking in Persons.—Although the law specifically prohibits trafficking, and there are provisions that could be used to combat it, the trafficking of persons, and particularly of women into the country for sexual purposes, is a problem. The Constitution prohibits holding persons in bondage; and in April 1999 the Law on Control and Improvement of Amusement Businesses was amended in order to supplement the Prostitution Prevention Act as an instrument against trafficking. The amended law sanctions employers rather than just sanctioning prostitute/victims and requires the Government to refuse to grant or to revoke the business license of anyone convicted of the "crime of encouragement" to engage in prostitution. The Penal Code contains articles that forbid the illegal arrest or confinement of another, as well as the kidnaping of another for profit. Labor and immigration laws also contain provisions relevant to trafficking victims. However, relatively few persons ever are prosecuted in connection with trafficking and forced sexual servitude; those who are prosecuted generally are prosecuted in connection with violations of immigration law. In May 1999 the Diet enacted a law intended to prevent all forms of sexual exploitation of children, whether trafficked or not, which imposes a 1- to 3-year sentence on anyone convicted of trading in children for the purpose of child prostitution or child pornography (see Section 5).

In 1998 the U.N. Committee on Human Rights noted that "traffic in women and insufficient protection for women subject to trafficking and slavery-like practices remain serious concerns." Japan is a destination country for trafficking in women for purposes of sexual exploitation. Brokers in source countries (e.g., the Philippines, the states of the former Soviet Union, and Thailand) recruit women and "sell" them to Japanese intermediaries, who in turn coerce them into the sex trade by subjecting them to excessive debts and seizing their passports. Agents, brokers, and employers involved in trafficking for the sex trade often have ties to organized crime. Reliable statistics on the number and origin of women trafficked to the country are unavailable, but a government-funded study released in August found that nearly two-thirds of foreign women surveyed following arrests for immigration offenses stated that they were working in the sex industry under duress. Ministry of Justice statistics indicated that 1.5 percent of the 24,661 women deported in 1999 were deported as prostitutes (others who worked in the sex industry were deported for other reasons). According to the Ministry of Justice, there were 126,982 foreign women who overstayed their visas in 1998; it is not known how many such women are involved in the sex industry or have been trafficked. Many women who are trafficked into the country, particularly from the Philippines, enter on entertainment visas. An estimated 40,000 women from the Philippines enter the country each year on such visas. "Entertainers" are not covered by the Labor Standards Law, and have no min-

imum wage protections; however, there are indications that they may be somewhat less vulnerable to abuse by employers than female migrant workers entering on other types of visas or illegally.

During the year, Human Rights Watch published an extensive report on Thai women in Japan. According to the report, many Thai women are enticed to come to the country with offers of lucrative legitimate employment, only to be forced into the sex industry; many others reportedly know that they will work in the sex trade. The passports of the trafficked women usually are confiscated by their "employers," leaving them unable to escape their circumstances.

The Government makes little effort to assist victims of trafficking for sexual purposes other than to house them temporarily in facilities established under the Antiprostitution Law, in detention centers for illegal immigrants, or through referrals to shelters run by NGO's; generally they are deported as illegal aliens. Women without documentation or sufficient funds to return to their country of origin may be detained for long periods. Several NGO's provide assistance to trafficking victims.

In recent years there has been a surge in the smuggling of illegal immigrants from China. These illegal immigrants often are held in debt bondage to make them pay off the smugglers.

KIRIBATI

Kiribati is a constitutional republic with a popularly elected president and a legislative assembly, 40 members of which are elected by universal adult suffrage, and 2 of whom are members by virtue of their office. The country has a population of 87,000, which occupies 33 small islands widely scattered across 1.365 million square miles of the central Pacific. The population is primarily Micronesian, with a significant component of Polynesian origin. The judiciary is independent.

A police force of about 250 personnel is controlled effectively by civilian authority.

Economic activity consists primarily of subsistence agriculture and fishing. The islands' isolation and meager resources, including poor soil and limited arable land, severely limit prospects for economic development.

The Government generally respected citizens' human rights; however, in the traditional culture, women occupy a subordinate role and have limited job opportunities.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Torture and inhuman or degrading treatment or punishment are forbidden by the Constitution; however, traditional practice permits corporal punishment for criminal acts and other transgressions. On some outer islands, the island councils occasionally order strokes with palm fronds to be administered for public drunkenness and other minor offenses, such as petty thievery.

Prisons meet minimum international standards. There are separate facilities for men and women. Family members and church representatives are allowed access to prisoners.

The question of monitoring prison conditions by local human rights groups has not arisen, and no policy concerning such monitoring has been formulated.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government respects these prohibitions.

e. Denial of Fair Public Trial.—The judiciary is independent and free of governmental interference.

The judiciary consists of a high court, magistrate courts, a court of appeal, and land courts. Litigants also have the right of appeal to the Privy Council in London.

The right to a fair public trial is provided by law and observed in practice. The Constitution provides that an accused person be informed of the nature of the offense with which he is charged and be provided adequate time and facilities to prepare a defense. The right to confront witnesses, present evidence, and appeal convictions is provided for in law. Procedural safeguards are based on English common law.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, government authorities respect these provisions, and violations are subject to effective legal sanctions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, there were some instances in which the Government limited these rights.

In May a former president established the country's first private newspaper, which enabled the opposition to present views divergent from those in the government-owned newspaper. The sole radio station is government owned; it regularly broadcasts Radio Australia programming. An opposition attempt to operate a private radio station was blocked in 1999 when the Government closed the station and fined the owners for attempting to import broadcasting equipment without a license. A foreign journalist remains barred from entering the country after cabinet officials stated in 1999 that the journalist's articles "gave a bad impression of the country." Churches published newsletters and other periodicals. High costs limited the availability of foreign print media and Internet access, but there were no Government imposed limitations.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, including the right to form or belong to associations for the advancement or protection of a group's interests, and the Government does not impose any restrictions on these rights in practice. A permit is required for a public gathering, but these are granted routinely.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

There were no reports of refugees. The Government has not formulated a policy regarding refugees, asylees, or first asylum.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens choose the Government in periodic free and open elections. The President is elected for a 4-year term and exercises executive authority. No less than three and no more than four presidential candidates are nominated by the elected Legislative Assembly from among its members. Under the Constitution, the President is limited to three terms.

In free and fair elections, voters reelected President Teburoro Tito to a second term in November 1998, with 52.3 percent of the votes. Most of President Tito's cabinet ministers have served in the previous cabinet.

Women are underrepresented in politics and government. Two women hold permanent secretary positions, and there is 1 in the 42-member Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions on the formation of local nongovernmental organizations that concern themselves with human rights, but none have been formed. There have been no reported allegations of human rights violations by the Government and no known requests for investigations.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, national origin, or sex, and the Government generally observed this prohibition in practice. Society is fundamentally egalitarian and has no privileged class.

Women.—Violence against women does not appear to be a major problem in this isolated, rural society. Rape is a crime, and the law is enforced when charges are brought to court, although it is suspected that prosecutions are relatively infrequent. Wife battering traditionally is addressed through communal pressure.

The traditional culture, in which men are dominant, has impeded a more active role for women in the economy. However, women slowly are finding work in unskilled and semiskilled occupations. The Government has increased its hiring and promotions of women to some extent; however, women may not work at night except under specified circumstances (generally in service jobs such as hotel clerks). Statistics on the participation of women in the work force and on comparative wages were

unavailable. Women have full rights of ownership and inheritance of property. Women have full and equal access to education.

Children.—Within its limited financial resources, the Government makes adequate expenditures for child welfare. Primary education is compulsory for children between the ages of 6 and 12 years. The 40 percent of primary school graduates who pass a national examination qualify to attend secondary school; a small fee is charged for matriculation at a secondary school.

If child abuse exists, it is rare and has not become a source of societal concern.

People with Disabilities.—There is no evidence or complaint of discrimination in employment, education, or provision of other state services. Accessibility for the disabled has not been mandated.

Section 6. Worker Rights

a. The Right of Association.—Freedom of association is provided for in the Constitution. Workers are free to organize unions and choose their representatives. The Government does not control or restrict unions. Over 90 percent of the work force is occupied in fishing or subsistence farming, but the small wage sector has a relatively strong and effective trade union movement. In 1982 the seven registered trade unions merged to form the Kiribati Trade Union Congress (KTUC); which has approximately 2,500 members, mostly from the public service sector. The law provides for the right to strike. However, strikes are rare, the last one took place in 1980.

Unions are free to affiliate internationally. The KTUC is affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is provided for under the Industrial Relations Code. The Government sets wages in the large public sector. However, in a few statutory bodies and government-owned companies, employees may negotiate wages and other conditions. In the private sector, individual employees also may negotiate wages with employers. In keeping with tradition, negotiations are generally nonconfrontational. There have been no reports of antiunion discrimination. However, mechanisms exist for resolving any such complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and it is not practiced. The prohibition does not specifically mention children, but forced and bonded labor by children is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 14. Primary education is compulsory for children between the ages of 6 and 12. Children through the age of 15 are prohibited from industrial employment and employment aboard ships. Labor officers from the Ministry of Commerce, Industry, and Employment generally enforce these laws effectively, given the rudimentary conditions of the economy and its industrial relations system. Children rarely are employed outside the traditional economy. Although not prohibited specifically, forced and bonded labor by children is not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Government has taken no concrete action to implement longstanding legislation authorizing the establishment of minimum wages. Income tends to be pooled within the extended family, and the standard income is adequate. There is no legislatively prescribed workweek. Workers in the public sector (80 percent of the wage-earning work force) work 36.25 hours per week, with overtime pay for additional hours.

Employment laws provide rudimentary health and safety standards for the workplace. For example, employers must provide an adequate supply of clean water for workers and ensure the existence of sanitary toilet facilities. Employers are liable for the expenses of workers injured on the job. The Government's ability to enforce employment laws is hampered by a lack of qualified personnel. Workers cannot remove themselves from hazardous work sites without risking loss of employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

The Democratic People's Republic of Korea (DPRK) is a dictatorship under the absolute rule of the Korean Workers' Party (KWP). Kim Il Sung led the DPRK from its inception until his death in 1994. Since then his son Kim Jong Il has exercised

unchallenged authority. Kim Jong Il was named General Secretary of the KWP in October 1997. In September 1998, the Supreme People's Assembly reconfirmed Kim Jong Il as Chairman of the National Defense Commission and declared that position the "highest office of state." The presidency was abolished leaving the late Kim Il Sung as the DPRK's only president. The titular Head of State is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly. Both Kim Il Sung and Kim Jong Il continue to be the objects of intense personality cults. The regime emphasizes "juche," a national ideology of self-reliance. The judiciary is not independent.

The Korean People's Army is the primary organization responsible for external security. It is assisted by a large military reserve force and several quasi-military organizations, including the Worker-Peasant Red Guards and the People's Security Force. These organizations assist the Ministry of Public Security and cadres of the KWP in maintaining internal security. Members of the security forces committed serious human rights abuses.

The State directs all significant economic activity, and only government-controlled labor unions are permitted. Industry continued to operate at much-reduced capacity that reflects antiquated plant and equipment and a severe shortage of inputs. This decline is due in part to the collapse of the former Soviet Union and East European Communist governments and the consequent sharp decline in trade and aid. Efforts at recovery have been hampered by heavy military spending—which amounted to perhaps a quarter of gross domestic product before the economy went into decline and is probably now a larger share of national output. It also is held back by a lack of access to commercial lending stemming from the DPRK's default on its foreign debt and its inability to obtain loans from international financial institutions. Never food self-sufficient, the country relies on trade to supplement domestic production, which has been hobbled by disastrous agricultural policies. Since 1995 nearly annual droughts and floods have destroyed crops and ruined agricultural land, and hunger and malnutrition have been widespread. Famine has caused internal displacement, widespread malnutrition, and approximately a million deaths from starvation and related diseases. Economic and political conditions have caused thousands of persons to flee their homes. The Government continued to seek international food aid, produce "alternative foods," and take steps to boost production. It has supported the spread of farmers' markets to make up for the contraction of food supplied through the public distribution system. Food, clothing, and energy are rationed throughout the country. The U.N.'s World Food Program provides assistance to the elderly, children and mothers, and persons employed in flood damage recovery efforts.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government peacefully. There continued to be reports of extrajudicial killings and disappearances. Citizens are detained arbitrarily, and many are held as political prisoners; prison conditions are harsh. The constitutional provisions for an independent judiciary and fair trials are not implemented in practice. The regime subjects its citizens to rigid controls. The leadership perceives most international norms of human rights, especially individual rights, as illegitimate, alien, and subversive to the goals of the State and party. The Penal Code is draconian, stipulating capital punishment and confiscation of all assets for a wide variety of "crimes against the revolution," including defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing "reactionary" letters, and possessing reactionary printed matter. The Government prohibits freedom of speech, the press, assembly, and association, and all forms of cultural and media activities are under the tight control of the party. Radios sold in North Korea receive North Korean radio broadcasts only; radios obtained abroad by the general public must be altered to work in a similar manner. Cable News Network (CNN) television is available in one Pyongyang hotel frequented by foreigners. Under these circumstances, little outside information reaches the public except that approved and disseminated by the Government. The Government restricts freedom of religion, citizens' movements, and worker rights. There were reports of trafficking in women and young girls among refugees and workers crossing the border into China.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Defectors and refugees report that the regime executes political prisoners, opponents of the regime, repatriated defectors, and others (reportedly including military officers suspected of espionage or of plotting against Kim Jong Il). Criminal law makes the death penalty mandatory for

activities "in collusion with imperialists" aimed at "suppressing the national liberation struggle." Some prisoners are sentenced to death for such ill-defined "crimes" as "ideological divergence," "opposing socialism," and other "counterrevolutionary crimes." In some cases, executions reportedly were carried out at public meetings attended by workers, students, and school children. Executions also have been carried out before assembled inmates at places of detention. Border guards reportedly have orders to shoot-to-kill potential defectors (see Section 2.d.).

Religious and human rights groups outside the country report that members of underground churches have been killed because of their religious beliefs and suspected contacts with overseas evangelical groups operating across the Chinese border (see Section 2.c.).

In August 1998, a Reuters report stated that, following a March 1998 coup attempt, authorities arrested several thousand members of the armed forces and executed many of them.

Many prisoners reportedly have died from disease, starvation, or exposure (see Section 1.c.).

According to unconfirmed press reports from Japan and the Republic of Korea in 1997, several senior party officials were executed publicly in September 1997. The Kyodo News Network reported that Seo Kwan Hui, Secretary of Agriculture for the KWP, and 17 other senior officials, including some from the army and from the Kim Il Sung Socialist Youth League, were executed for corruption and working for South Korea. In 1998 Agence France-Presse (AFP) reported that among those executed were a four-star general who ran the Political Bureau of the Korean People's Army and Choe Hyon Tok, a member of the Foreign Affairs Committee of the Supreme People's Assembly. According to the AFP, seven persons in this group were executed by firing squad before thousands of spectators.

In December a South Korean newsmagazine quoted a defector as stating that in 1999 in the city of Hyesan, on the border with China, the military had publicly executed 19 residents, secretly killed over 20 persons, and imprisoned 600. The targets of the purge were frequent travelers to China and opium addicts.

Another South Korean newsmagazine reported that there were at least 20 public executions during 1997 either for economic offenses, including stealing cattle and electric wire, or for attempting to defect. Amnesty International (AI) reported in January 1997 that at least 23 persons had been executed publicly between 1970 and 1992 for offenses that reportedly included "banditry" and "stealing rice from a train." Government officials reportedly told AI in 1995 that only one or two executions had taken place since 1985.

North Korean officials informed AI in 1995 that Japanese citizens Cho Ho Pyong, his ethnic Japanese wife Koike Hideko, and their three young children were killed by the authorities in 1972 while attempting to leave the country. The authorities told AI that Cho escaped from a detention center where he was being held for spying and killed a guard in the escape.

b. Disappearance.—The Government reportedly is responsible for cases of disappearance. According to defector reports, individuals suspected of political crimes often are taken from their homes by state security officials late at night and sent directly, without trial, to camps for political prisoners. There also have been reports of past DPRK involvement in the kidnaping abroad of South Koreans, Japanese, and other foreigners. In 1995 the Japanese press estimated that as many as 20 Japanese may have been kidnaped and detained in North Korea. According to Japanese government officials, these abductions took place between 1977 and 1983. In addition several suspected cases of kidnaping, hostage-taking, and other acts of violence apparently intended to intimidate ethnic Koreans living in China and Russia have been reported. There were unconfirmed reports that North Korean agents kidnaped a South Korean citizen, Reverend Dongshik Kim, in China and took him to North Korea in January. There is credible evidence that the DPRK Government may have been involved in the July 1995 abduction of a South Korean citizen working in China as a missionary. This missionary subsequently appeared publicly in North Korea and was portrayed as a defector. The DPRK denies that it has been involved in kidnapings.

In November 1997, the South Korean Government arrested several alleged North Korean espionage agents. According to the South Korean Government's report on its investigation, those arrested claimed that three South Korean high school students, missing since 1978, had been kidnaped by the North Korean Government and trained as espionage agents. The three were identified as Kim Young Nam, who disappeared from Son Yu beach, and Yi Myong U and Hong Kyun Pyo, both of whom disappeared from Hong To island beach. According to those arrested, there were several other kidnapings in the late 1970's and early 1980's.

AI reports detail a number of cases of disappearances including that of Japanese citizen Shibata Kozo and his wife Shin Sung Suk, who left Japan in 1960 and resettled in North Korea. The authorities reportedly arrested Shibata in 1962 after he encouraged a demonstration by former Japanese residents protesting the poor treatment given them. In 1993 AI claimed that he was still in custody and in poor health and that there had been no word about his wife and three children since 1965. In 1995 North Korean officials informed AI that Shibata Kozo, his wife, and children died in a train accident in early 1990, a few weeks after he was released from nearly 30 years in prison. However, AI reports that Shibata Kozo was still in custody at the time of the alleged accident.

The cases of three ethnic Korean residents of Beijing, China (16, 18, and 20 years of age), reported by AI in 1995 to have been taken to North Korea against their will, remained unresolved. The three were taken in apparent retaliation for criticism in the Japanese media of North Korean human rights violations made by their father, a former prisoner in North Korea. The North Korean authorities deny this allegation, claiming that the three brothers were deported to North Korea for breaking Chinese law and that they are now living with relatives.

Numerous reports indicate that ordinary citizens are not allowed to mix with foreigners, and AI has reported that a number of North Koreans who maintained friendships with foreigners have disappeared. In at least one case, AI reported that a citizen who had disappeared was executed for maintaining a friendship with a Russian national.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While there is no information on recent practices, credible reports indicate that prisoners are mistreated and that many have died from disease, starvation, or exposure.

In 1998 a Polish newspaper reported the experiences of a woman who spent 10 years in a North Korean concentration camp before fleeing first to China and then to South Korea. The approximately 1,800 inmates in this particular camp typically worked 16 to 17 hours per day. The woman reported severe beatings, torture involving water forced into a victim's stomach with a rubber hose and pumped out by guards jumping on a board placed across the victim's abdomen, and chemical and biological warfare experiments allegedly conducted on inmates by the army. South Korean media reported that the DPRK State Security Agency manages the camps through use of forced labor, beatings, torture, and public executions.

Prison conditions are harsh. International nongovernmental organizations (NGO's) and defector sources report that whole families, including children, are imprisoned together. "Reeducation through labor" is common punishment, consisting of forced labor, such as logging and tending crops, under harsh conditions. A small number of persons who claimed to have escaped from detention camps reported that starvation and executions are common. In one prison, clothing reportedly was issued only once in 3 years. AI reported the existence of "punishment cells," too low to allow standing upright and too small for lying down flat, where prisoners are kept for up to several weeks for breaking prison rules. Visitors to North Korea reported that they observed prisoners being marched in leg irons, metal collars, or shackles.

A former prison camp inmate who later defected to South Korea told the South Korean press that conditions in prison camps became more difficult as the food crisis worsened in the mid-1990's. With the food ration reduced to 2 ounces daily in 1996, 20 percent of the inmates in one camp died. Prisoners who tried to escape were publicly executed as a warning to others. Inmates were forced to find shelter in nearby mountains when authorities destroyed the camp's housing area in 1996 in anticipation of a visit by an international human rights group. The majority of prisoners in the camps were those who had contacted South Koreans, attempted to go to South Korea via China, those who studied abroad, and members of antigovernment groups.

In 1999 credible witnesses reported that prisoners held on the basis of their religious beliefs were treated worse than other inmates were. One witness, a former prison guard, reported that those believing in God were regarded as insane, as the authorities taught that "all religions are opiates." He recounted an instance in which a woman was kicked hard and left lying for days because a guard overheard her praying for a child who was beaten.

The Government normally does not permit inspection of prisons by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado.

Little information is available on criminal justice procedures and practices, and outside observation of the legal system has been limited to "show trials" for traffic violations and other minor offenses.

Family members and other concerned persons find it virtually impossible to obtain information on charges against detained persons. Judicial review of detentions does not exist in law or in practice.

Defectors claim that North Korea detains between 150,000 and 200,000 persons for political reasons, sometimes along with their family members, in maximum security camps in remote areas. An October 1992 report by two former inmates made reference to severe living conditions in what they called "concentration camps." North Korean officials deny the existence of such prison camps but admit that there are "education centers" for persons who "commit crimes by mistake."

In 1991 a North Korean defector who had been a ranking official in the DPRK Ministry of Public Security said that there were two types of detention areas. One consists of closed camps where conditions are extremely harsh and from which prisoners never emerge. In the other, prisoners can be "rehabilitated."

One credible report lists a dozen political prisoner camps and approximately 30 forced labor and labor education camps in the DPRK. It is believed that some former high officials are imprisoned in the camps. Visitors formerly were allowed, but currently any form of communication with detainees, including visitors, is said to be prohibited.

In mid-1999, an ethnic Korean with foreign citizenship was arrested for unauthorized contact with North Koreans. This person was detained for a month before being released.

In May 1998, a foreigner of Korean descent was detained and held incommunicado for nearly 3 months before he was finally released. In September 1998, another foreigner of Korean descent was held incommunicado for more than a month for an unspecified "violation of law" before being released and expelled from the country.

South Korean newspapers reported in 1997 that family members of North Korean defector Hwang Chang Yop, former head of the Juche Research Institute, and a senior advisor to Kim Il Sung and Kim Jong Il, who defected to South Korea in that year, either were under house arrest or incarcerated in political prisons. However, visiting foreigners have seen some members of his family.

In March 1999, North Korean officials in Thailand tried to detain a Bangkok-based North Korean diplomat, Hong Sun Gyong, and his family. Hong and his wife escaped from their abductors and then requested asylum. Their son was taken to Laos by North Korean officials but subsequently was allowed to rejoin his parents in Thailand.

The Government is not reported to use forced exile. However, the Government routinely uses forced resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside. Although disabled veterans are treated extremely well, there are also reports that other physically disabled persons and those judged to be politically unreliable have been sent to internal exile. Often those relocated are selected on the basis of family background. Nonetheless, there is some evidence that class background is less important than in the past because of the regime's emphasis on the solidarity of the "popular masses" and united front efforts with overseas Koreans. According to unconfirmed September 1997 foreign press reports, some 500 senior officials were sent into internal exile.

e. Denial of Fair Public Trial.—The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary and individual rights do not exist. The Public Security Ministry dispenses with trials in political cases and refers defendants to the Ministry of State Security for imposition of punishment.

The Constitution contains elaborate procedural protections, and it states that cases are heard in public, and that the accused has the right to a defense; hearings may be closed to the public as stipulated by law. When trials are held, lawyers are apparently assigned by the Government. Reports indicate that defense lawyers are not considered representatives of the accused; rather, they are expected to help the court by persuading the accused to confess guilt. Some reports note a distinction between those accused of political crimes and common criminals and state that the Government affords trials or lawyers only to the latter. The Government considers critics of the regime to be "political criminals."

Numerous reports suggest that past political offenses have included such behavior as sitting on newspapers bearing Kim Il Sung's picture, or (in the case of a professor reportedly sentenced to work as a laborer) noting in class that Kim Il Sung had received little formal education. The KWP has a special regulation protecting the images of Kim Il Sung and Kim Jong Il. All citizens are required by this regulation to protect from damage any likeness of the two Kims. Beginning in the 1970's, the 10 Great Principles of Unique Ideology directed that anyone who tore or otherwise defaced a newspaper photo of either of the two Kims was a political criminal and punished as such. Defectors have reported families being punished because children

had accidentally defaced photographs of one of the two Kim's. Families must display pictures of the two Kim's in their homes, and if local party officials found the family had neglected its photos, the punishment was to write self-criticism throughout an entire year (see Section 1.f.).

A foreigner hired to work on foreign broadcasts for the regime was imprisoned for 1 year without trial for criticizing the quality of the regime's foreign propaganda. He then was imprisoned for 6 more years (with trial) shortly after his release for claiming in a private conversation that his original imprisonment was unjust. While AI has listed 58 political prisoners by name, the total number of political prisoners being held is much larger. Several defectors and former inmates reported that the total figure is approximately 150,000, while South Korean authorities said the total figure is about 200,000.

The South Korean Ministry of National Unification reported to its National Assembly in October 1997 that North Korea held more than 200,000 political prisoners in camps where many had frozen or starved to death, and that famine may have worsened conditions. The report went on to describe the camps as having no electricity or heating facilities. The report claimed that those who attempted to escape were executed immediately. Most camps are located in remote mountain or mining areas. Some reports indicated an increase in the number of political prisoners as North Koreans had begun to complain more openly about the failure of the Government's economic policies.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government does not respect these provisions in practice. The regime subjects its citizens to rigid controls. The state leadership perceives most international norms of human rights, and especially individual rights, as alien social concepts subversive to the goals of the State and party. The Government relies upon an extensive, multilevel system of informers to identify critics and potential troublemakers. Whole communities sometimes are subjected to massive security checks. The possession of "reactionary material" and listening to foreign broadcasts are both considered crimes that may subject the transgressor to harsh punishments. In some cases, entire families are punished for alleged political offenses committed by one member of the family. For example, defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kims. Families must display pictures of the two Kims in their homes, and must keep them clean. Local party officials have conducted unannounced inspections once a month, and if the inspectors found the family had neglected its photos, the punishment was to write self-criticism throughout an entire year (see Section 1.e.).

The Government monitors correspondence and telephones. Telephones essentially are restricted to domestic operation, although some international service is available on a very restricted basis.

The Constitution provides for the right to petition. However, when an anonymous petition or complaint about state administration is submitted, the Ministries of State Security and Public Safety seek to identify the author through handwriting analysis. The suspected individual may be subjected to a thorough investigation and punishment.

The regime justifies its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of "the *juche* idea." The authorities emphasize that the core concept of *juche* is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the national context, *juche* is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs change and used by the regime as a "spiritual" underpinning for its rule.

As defined by Kim Il Sung, *juche* is a quasi-mystical concept in which the collective will of the people is distilled into a supreme leader whose every act exemplifies the State and society's needs. Opposition to such a leader, or to the rules, regulations, and goals established by his regime is thus in itself opposition to the national interest. The regime therefore claims a social interest in identifying and isolating all opposition.

Since the late 1950's, the regime has divided society into three main classes: "Core," "wavering," and "hostile." These three classes are further subdivided into subcategories based on perceived loyalty to the Party and the leadership. Security ratings are assigned to each individual; according to some estimates, nearly half of the population is designated as either "wavering" or "hostile." These loyalty ratings determine access to employment, higher education, place of residence, medical facilities, and certain stores. They also affect the severity of punishment in the case of

legal infractions. While there are signs that this rigid system has been relaxed somewhat in recent years—for example, children of religious practitioners are no longer automatically barred from higher education—it remains a basic characteristic of KWP political control.

Citizens with relatives who fled to South Korea at the time of the Korean War still appear to be classified as part of the “hostile class” in the DPRK’s elaborate loyalty system. This subcategory alone encompasses a significant percentage of the population. One defector estimated that the class of those considered potentially hostile may comprise 25 to 30 percent of the population; others place the figure at closer to 20 percent. Members of this class are still subject to discrimination, although defectors report that their treatment has improved greatly in recent years.

The authorities subject citizens of all age groups and occupations to intensive political and ideological indoctrination. Even after Kim Il Sung’s death, his cult of personality and the glorification of his family and the official *juche* ideology remained omnipresent. The cult approaches the level of a state religion.

The goal of indoctrination remains to ensure loyalty to the system and leadership, as well as conformity to the State’s ideology and authority. The necessity for the intensification of such indoctrination repeatedly is stressed in the writings of Kim Jong Il, who attributes the collapse of the Soviet Union largely to insufficient ideological indoctrination, compounded by the entry of foreign influences.

Indoctrination is carried out systematically, not only through the mass media, but also in schools and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation’s schools, and he has also called for the intensification of mandatory ideological study and discussion sessions for adult workers.

Another aspect of the State’s indoctrination system is the use of mass marches, rallies, and staged performances, sometimes involving hundreds of thousands of people. In September 1998, celebrations of the 50th anniversary of the founding of the DPRK included hours of carefully choreographed demonstration of mass adulation of the leadership. In October similar celebrations of the 55th anniversary of the KWP reportedly involved upwards of 1 million persons.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the Constitution provides for freedom of speech and the press, the Government prohibits the exercise of these rights in practice. The regime only permits activities that support its objectives. Articles of the Constitution that require citizens to follow “Socialist norms of life” and to obey a “collective spirit” take precedence over individual political or civil liberties.

The Government strictly curtails freedom of expression. The authorities may punish persons for criticizing the regime or its policies by imprisonment or “corrective labor.” One defector reported in 1986 that a scientist, whose home was under surveillance through his radio set, was arrested and executed for statements that he made at home critical of Kim Il Sung. In another case, AI reports that a family formerly resident in Japan was sent to a “reeducation-through-labor” center because one member of the family allegedly made remarks disparaging the Government.

The Government attempts to control all information. It carefully manages the visits of Western journalists. In 1996 the Cable News Network was allowed to broadcast live, unedited coverage of the 2nd year memorial service for the death of Kim Il Sung. The regime recently allowed foreign journalists to report on the food situation. Foreign journalists also were allowed to report on the Korean Peninsula Energy Development Organization (KEDO) light-water reactor groundbreaking at Kumho in 1997. During the June 13 to 15 inter-Korean summit, and during the October visit of U.S. Secretary of State Albright, groups of foreign journalists were permitted to accompany official delegations and to file reports, although under strict state monitoring. Also, the presidents of 46 South Korean newspaper and broadcast organizations, led by the South Korean Minister of Culture and Tourism, traveled to the country in August and met with Kim Jong Il. Although more foreign journalists have been allowed into North Korea, the Government still maintains strict control over the movements of foreign visitors. For example, journalists accompanying a foreign minister from another country were not allowed to visit a department store or a train station; they were not allowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay. Domestic media censorship is strictly enforced, and no deviation from the official government line is tolerated.

The regime prohibits listening to foreign media broadcasts except by the political elite, and violators are subject to severe punishment. Radios and television sets receive only domestic programming; radios obtained from abroad must be submitted for alteration to operate in a similar manner. CNN television broadcasts are avail-

able in a Pyongyang hotel frequented by foreigners. Private telephone lines operate on an internal system that prevents making and receiving calls from outside the country. International phone lines are available under very restricted circumstances. There may be very limited Internet access in North Korea for government officials, according to recent reports.

During the year, the DPRK defended threats and reiterated criticisms first made in late 1997 of the South Korean media for criticizing the North Korean leadership. The first instance was in response to a South Korean newspaper editorial, the second in reaction to a television drama about life in North Korea.

The Government severely restricts academic freedom and controls artistic and academic works. Visitors report that one of the primary functions of plays, movies, operas, children's performances, and books is to contribute to the cult of personality surrounding Kim Il Sung and Kim Jong Il.

b. Freedom of Peaceful Assembly and Association.—Although the Constitution provides for freedom of assembly, the Government does not respect this provision in practice. The Government prohibits any public meetings without authorization.

Although the Constitution provides for freedom of association, the Government does not respect this provision in practice. There are no known organizations other than those created by the Government. Professional associations exist primarily as a means of government monitoring and control over the members of these organizations.

c. Freedom of Religion.—The Constitution provides for "freedom of religious belief;" however, in practice the Government discourages organized religious activity except that supervised by officially recognized groups. Genuine religious freedom does not exist. The Constitution also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security."

Although in the past the Government has branded religiously active persons as "counterrevolutionaries" and killed or imprisoned them, in more recent times, it has allowed the formation of several government-sponsored religious organizations. These serve as interlocutors with foreign church groups and international aid organizations. Foreigners who have met with representatives of these organizations believe that some are genuinely religious but note that others appear to know little about religious dogma, liturgy, or teaching. A constitutional change in 1992 deleted the clause about freedom of antireligious propaganda, authorized religious gatherings, and provided for "the right to build buildings for religious use."

The number of religious believers is unknown but has been estimated by the media and religious groups at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics. There are also an undetermined number of persons belonging to underground Christian churches. In addition the Chondogyo Young Friends Party, a government-sponsored group based on a traditional Korean religious movement, still is in existence. There are 300 Buddhist temples. Most of the temples are regarded as cultural relics, but in some of them religious activity is permitted. Two Protestant churches under lay leadership and a Roman Catholic church (without a priest) have been opened since 1988 in Pyongyang. Several schools for religious education exist. There are 3-year religious colleges for training Protestant and Buddhist clergy. A religious studies program also was established at Kim Il Sung University in 1989; its graduates usually go on to work in the foreign trade sector.

There has been a limited revival of Buddhism with the translation and publication of Buddhist scriptures that had been carved on 80,000 wooden blocks and kept at an historic temple. It is not known whether any Catholic priests, whose role is a fundamental element for the practice of the Catholic faith, remain in the country. Seoul Archbishop Nicholas Jin-Suk Cheong, appointed by the Pope as Apostolic Administrator of Pyongyang, was quoted in July as stating that while there were 50 priests in the country in the 1940's, it is not known if they are still alive. In November a delegation from the Vatican visited the country. Although some foreigners who have visited the DPRK over the years say that church activity appears staged, others believe that church services are genuine, although sermons contain both religious and political content supportive of the regime. The Government claims, and visitors confirm, that there are more than 500 authorized "house churches."

Persons engaging in religious proselytizing may be arrested and are subject to harsh penalties, including imprisonment and prolonged detention without charge. The regime appears to have cracked down on unauthorized religious groups in recent years, especially persons who proselytize or who have ties to overseas evangelical groups operating across the border with China, as the Government appears concerned about religiously based South Korean relief and refugee assistance efforts along the northeast border with the People's Republic of China becoming entwined with more political goals, including overthrow of the regime. The food crisis apparently has heightened government concern about antiregime activity. An article in

the Korean Workers Party newspaper in 1999 criticized “imperialists and reactionaries” for trying to use ideological and cultural infiltration, including religion, to destroy socialism from within. South Korean law requires all parties, including religious groups, travelling to North Korea or contacting North Koreans to request permission from the South Korean security agency. This requirement increases suspicions among North Korean officials about the intentions of such groups.

There is no reliable information on the number of religious detainees or prisoners, but there have been unconfirmed reports that some of those detained in the country are detained because of their religion.

Religious and human rights groups outside the country have provided numerous, unconfirmed reports that members of underground churches have been beaten, arrested, detained in prison camps, or killed because of their religious beliefs. One unconfirmed report stated that a dozen Christians have been executed since January 1999. According to another unconfirmed report, 23 Christians were executed between October 1999 and April; some reportedly were executed under falsified criminal charges, and some reportedly were tortured prior to their executions. A religious nongovernmental organization quoted an unnamed South Korean pastor’s claims that 400 Christians were executed in 1999. These reports could not be confirmed or disproved because of the effectiveness of the Government in barring outside observers. Nonetheless, the collective weight of anecdotal evidence of harsh treatment of unauthorized religious activity lends credence to such reports. The regime deals harshly with its critics and views religious believers belonging to underground congregations or with ties to evangelical groups in North China as opponents. Reports of executions, torture, and imprisonment of religious persons in the country continue to emerge.

Little is known about the actual life of religious persons in the DPRK. Members of government-recognized religious groups do not appear to suffer discrimination; in fact some reports claim they have been mobilized by the regime. Persons whose parents were believers but who themselves are nonpracticing are able to rise to at least the midlevels of the bureaucracy. Such individuals, as a category, suffered broad discrimination in the past. Members of underground churches connected to border missionary activity appear to be regarded as subversive elements.

The Government deals harshly with all opponents, including those engaging in religious practices deemed unacceptable to the regime. In April 1999, witnesses testified before the U.S. Congress on the treatment of persons held in prison camps through the early 1990’s. The witnesses stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates. One witness, a former prison guard, testified that those believing in God were regarded as insane, as the authorities taught that “all religions are opium.” He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten. Because of the effectiveness of the Government in barring outside observers, such allegations could not be substantiated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—In the past, the regime has controlled internal travel strictly, requiring a travel pass for any movement outside one’s home village. These passes were granted only for official travel or attendance at a relative’s wedding or funeral. Long delays in obtaining the necessary permit often resulted in denial of the right to travel even for these limited purposes. In recent years, it appears that the internal controls on travel have eased significantly. There are reports of the large-scale movement of people across the country in search of food. Only members of a very small elite have vehicles for personal use. The regime tightly controls access to civilian aircraft, trains, buses, food, and fuel.

The regime limits foreign travel to officials and trusted artists, athletes, academics, and religious figures. It does not allow emigration. In recent years, there have been numerous reports of a steady increase in North Korean migrants arriving in China, Hong Kong, Vietnam, and other Asian countries. The regime reportedly retaliates against the relatives of some of those who manage to escape. According to the Penal Code, defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum) are capital crimes. Refugees have stated that DPRK border guards have received orders to shoot-to-kill persons attempting to cross the border into China, although some border crossings for family visits and trade are permitted. Others have reported that some would-be refugees who have been involuntarily returned have been executed (see Section 1.a.). Following the collapse of European communism, the regime recalled several thousand students from overseas but in recent years again has allowed small numbers of students to study abroad. Nonetheless, in recent years sub-

stantial numbers of persons have fled to neighboring countries in search of food. Many return after securing food.

The Chinese Government states that there are only a few hundred North Koreans in China; others estimate that there are tens of thousands. Most have crossed the border clandestinely in small groups to seek food, shelter, and work. In January China returned to the DPRK seven persons who had been granted refugee status by the U.N. High Commissioner for Refugees in Russia in December 1999 but were forced back into China. How the DPRK authorities dealt with the seven is unknown.

The Government strictly controls permission to reside in, or even enter, Pyongyang. This is a significant lever, since food, housing, health, and general living conditions are much better in Pyongyang than in the rest of the country.

AI has reported serious human rights abuses involving North Korean workers and refugees living in Russia. There are about 6,000 DPRK workers in North Korean-run camps in the Russian Far East engaged in farming, mining, and construction. Conditions in these camps are harsh; food is scarce; and discipline is severe. In the past, there have been allegations that discipline includes physical torture such as placing wooden logs between the knees of offenders, after which they were forced to sit down, causing them excruciating pain. In recent years, offenders have been sent back to the DPRK for punishment due to the increased scrutiny that the labor camps have been under since Russian and foreign media began reporting on the conditions in these camps in the early 1990's.

North Koreans in Russia comprise two groups: Those who were selected to work in Russia but refused to return to the DPRK and those who have fled into Russia from the DPRK. Until 1993 under a secret protocol, the DPRK Public Security Service reportedly was allowed to work inside Russia to track down workers who fled the camps. Since 1993 many North Koreans have been engaged in business in the Russian Far East.

Many North Koreans in Russia face severe hardships due to their lack of any identification. Workers arriving in Russia usually have their passport and other identification confiscated by North Korean border guards.

The DPRK Government reportedly tried to prevent persons from staying in Russia by using diplomatic channels to influence Russian authorities and international organizations. In a number of cases, North Korean authorities reportedly told Russian authorities that a particular North Korean who had applied for asylum in Russia or elsewhere was a criminal offender in North Korea. An extradition treaty signed by both nations in 1957 requires that persons with criminal records be returned to their country.

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637 Japanese wives, voluntarily repatriated to North Korea. Despite DPRK assurances that the wives, more than a third of whom still had Japanese citizenship, would be allowed to visit Japan every 2 or 3 years, none were permitted to do so until 1997. However, many have not been heard from, and their relatives and friends in Japan have been unsuccessful in their efforts to gain information about their condition and whereabouts.

The DPRK and the Japanese Government held a series of bilateral meetings in Beijing in the second half of 1997, during which the DPRK agreed to allow some Japanese wives resident in North Korea to visit Japan. The first such visit occurred in November 1997 when 15 Japanese wives arrived for a 1-week visit. An additional 12 Japanese wives visited for a week in January and February 1998. However, in June 1999 the DPRK cancelled a visit by Japanese wives to Japan, citing "artificial hurdles and inhuman acts on the Japanese side." The visits resumed after the Japanese Government and the DPRK restarted normalization talks in April. A group of 16 Japanese wives visited Japan from September 12 to 16.

Although the DPRK has permitted an increasing number of overseas Koreans to visit their relatives in North Korea over the past decade, most requests for such visits are still denied. From August 15-18, the DPRK and the Republic of Korea sent delegations of 100 members of separated families to each other's capitals for family reunion meetings. However, the meetings generally were of limited duration and certain topics were not allowed to be discussed. From November 30 to December 2, a second such reunion took place, and further reunions were scheduled for 2001. Many foreign visitors to the 1995 International Pyongyang Sports Festival reported that they were denied permission to visit or otherwise contact their relatives, even those who lived only a few miles from Pyongyang.

Although more foreign journalists have been allowed into North Korea, the Government still maintains the strictest control over the movements of foreign visitors. For example, journalists accompanying a foreign minister from another country were not allowed to visit a department store or a train station; they were not al-

lowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay.

Reports, primarily from refugees, indicate that the Government routinely uses forced resettlement, particularly for those deemed politically unreliable.

Although the DPRK is a member of the United Nations, it does not participate in international refugee forums, and it is not in contact with the U.N. High Commissioner for Refugees. There is no known policy or provision for first asylum.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no right or mechanisms to change their leadership or government. The political system is completely dominated by the KWP, with Kim Il Sung's heir Kim Jong Il in full control. Very little reliable information is available on intraregime politics following Kim Il Sung's death. The legislature, the Supreme People's Assembly (SPA), which meets only a few days a year, serves only to rubber-stamp resolutions presented to it by the party leadership. In October 1997, Kim Jong Il acceded to the position of General Secretary of the Korean Worker's Party. In September 1998, the SPA reconfirmed Kim as the Chairman of the National Defense Commission and declared that position the "highest office of State." The presidency was abolished, leaving the late Kim Il Sung as the DPRK's only President. The titular head of state is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly.

In an effort to give the appearance of democracy, the DPRK has created several "minority parties." Lacking grassroots organizations, they exist only as rosters of officials with token representation in the Supreme People's Assembly. Their primary purpose appears to be promoting government objectives abroad as touring parliamentarians. Free elections do not exist, and the regime has criticized the concept of free elections and competition among political parties as an artifact of capitalist decay.

Elections to the Supreme People's Assembly and to provincial, city, and county assemblies are held irregularly. In July 1998, SPA elections were held for the first time since 1990. According to the government-controlled media, over 99 percent of the voters participated to elect 100 percent of the candidates approved by the KWP. Results of previous SPA elections have produced virtually identical outcomes. The vast majority of the KWP's estimated 3 million members (in a population of 23 million) work to implement decrees formulated by the Party's small elite.

Few women have reached high levels of the Party or the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit any independent domestic organizations to monitor human rights conditions or to comment on violations of such rights. Although a North Korean Human Rights Committee was established in 1992, it denies the existence of any human rights violations in North Korea. However, by offering international human rights organizations an identifiable official interlocutor, the Committee helped increase the ability of international human rights organizations to enter into two-way communication with the regime.

Although the World Food Program has been given access to most counties in North Korea, it has been excluded from several dozen. Foreign aid workers and aid workers from international organizations, who provide substantial food aid, frequently are denied access to sites where this food is distributed, and thus are unable consistently to verify that the aid reaches its intended recipients. Many foreign NGO's report being charged large fees by Government officials to get visas for foreign staff, to set up offices, and to establish programs. There have been reports of abduction of ethnic Korean aid workers by government officials; some victims were required to pay a large fine to obtain their release.

In April 1998, during the 54th meeting of the U.N. Commission on Human Rights, the North Korean delegation accused the international community of slandering the DPRK's human rights record, adding that the DPRK Government would not tolerate "any attempt to hurt the sovereignty and dignity of the country under the pretext of human rights."

In 1996 a delegation from AI visited the DPRK and discussed legal reforms and prisoner cases with senior government officials. The Government has ignored requests for visits by other international human rights organizations, and none are known to have visited.

In August 1997, the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities adopted a resolution criticizing the DPRK for its human rights practices. The DPRK subsequently announced that it would withdraw from

the International Covenant on Civil and Political Rights (ICCPR), calling the resolution an attack on its sovereignty. In October 1997, the U.N. Human Rights Committee issued a statement criticizing the attempt by North Korea to withdraw from the ICCPR, noting that countries that had ratified the ICCPR could not withdraw from the covenant. In August 1998, the Human Rights Committee readopted a resolution urging the DPRK to improve its human rights record. In July for the first time in 16 years, the regime submitted a report on human rights to the U.N. Human Rights Committee.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution grants equal rights to all citizens. However, in practice the Government denies its citizens most fundamental human rights. There was pervasive discrimination on the basis of social status.

Women.—There is no information available on violence against women.

The Constitution states that “women hold equal social status and rights with men.” However, although women are represented proportionally in the labor force, few women have reached high levels of the party or the Government. In many small factories, the work force is predominantly female. Like men, working-age women must work. They are thus required to leave their preschool children in the care of elderly relatives or in state nurseries. However, according to the Constitution, women with large families are to work shorter hours. There were reports of trafficking in women and young girls among North Koreans crossing the border into China (see Sections 6.c. and 6.f.).

Children.—Social norms reflect traditional, family-centered values in which children are cherished. The State provides compulsory education for all children until the age of 15. Some children are denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classification system and the principle of “collective retribution” for the transgressions of their parents (see Section 1.f.).

According to the World Food Program, the international community is feeding nearly every child under the age of 7 years. In some remote provinces, many persons over the age of 6 years reportedly appear to be suffering from long-term malnutrition. A nutrition survey carried out by UNICEF and the World Food Program in the aftermath of flood disasters found that 16 percent of children under 7 years of age suffered from acute malnutrition and that 62 percent suffered from stunted growth. In August 1997, a senior UNICEF official said that about 80,000 children were in immediate danger of dying from hunger and disease; 800,000 more were suffering from malnutrition to a serious but lesser degree.

Like others in society, children are the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition foreign visitors and academic sources report that children from an early age are subjected to several hours a week of mandatory military training and indoctrination at their schools. School children sometimes are sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals.

In practice children do not enjoy any more civil liberties than adults. In June 1998, the U.N. Committee on the Rights of the Child (UNCRC) released its concluding observations on a February 1996 report submitted by the DPRK, detailing its adherence to the International Convention on the Rights of the Child. The UNCRC found that the DPRK strategy, policies, and programs for children do not fully reflect the rights-based approach enshrined in the convention. The UNCRC also expressed concern over de facto discrimination against children with disabilities and at the insufficient measures taken by the state party to ensure that these children have effective access to health, education, and social services, and to facilitate their full integration into society.

In the fall of 1998, the NGO's Doctors Without Borders (DWB) and Doctors of the World closed their offices in the country because the Government reportedly denied them access to a large population of sick and malnourished children. DWB officials said that they had evidence that orphaned and homeless children had been gathered into so-called “9–27 camps.” These camps reportedly were established under a September 27, 1995 order from Kim Jong Il to “normalize” the country. North Korean refugees who have escaped from the 9–27 camps into China have reported inhuman conditions.

Information about societal or familial abuse of children is unavailable. There were reports of trafficking in young girls among North Koreans crossing the border into China (see Sections 6.c. and 6.f.).

People with Disabilities.—Traditional social norms condone discrimination against the physically disabled. Apart from disabled veterans, disabled persons almost never

are seen within the city limits of Pyongyang, and several defectors and other former residents report that disabled persons are assigned to the rural areas routinely. According to one report, authorities check every 2 to 3 years in the capital for persons with deformities and relocate them to special facilities in the countryside. There are no legally mandated provisions for accessibility to buildings or government services for the disabled. In an April 1998 statement, the U.N. Committee on the Rights of the Child criticized “de facto discrimination” in the country against children with disabilities.

Section 6. Worker Rights

a. The Right of Association.—Nongovernmental labor unions do not exist. The KWP purports to represent the interests of all labor. There is a single labor organization, the General Federation of Trade Unions of Korea, which is affiliated with the formerly Soviet-controlled World Federation of Trade Unions. Operating under this umbrella, unions function on the classic “Stalinist model,” with responsibility for mobilizing workers behind production goals and for providing health, education, cultural, and welfare facilities. Unions do not have the right to strike.

North Korea is not a member of, but has observer status with, the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—Workers have no right to organize or to bargain collectively. Government ministries set wages. The State assigns all jobs. Ideological purity is as important as professional competence in deciding who receives a particular job, and foreign companies that have established joint ventures report that all their employees must be hired from lists submitted by the KWP. Factory and farm workers are organized into councils, which do have an impact on management decisions.

There is one free economic and trade zone (FETZ). The Korean Peninsula Energy Development Organization (KEDO) negotiated a separate protocol and service contracts for workers at the site of its light water reactor project. The government agency, which supplied the labor to KEDO, bargained effectively on the workers behalf (see Section 6.e.).

c. Prohibition of Forced or Compulsory Labor.—In its report to the U.N. Human Rights Committee, the regime stated that its laws prohibit forced or compulsory labor. The Government frequently mobilizes the population for construction projects. Military conscripts routinely are used for this purpose as well. “Reformatory labor” and “reeducation through labor” are common punishments for political offenses. AI reports that forced labor, such as logging and tending crops, is common among prisoners. School children are assigned to factories or farms for short periods to help meet production goals (see Section 5).

There are reports of the trafficking of North Korean women and young girls among North Koreans crossing the border into China. Many become brides, but some work in the sex industry. Many reportedly are held as virtual prisoners (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the Constitution, the State prohibits work by children under the age of 16 years. As education is universal and mandatory until the age of 15, it is believed that this regulation is enforced. There is no prohibition on forced labor by children, and school children are assigned to factories or farms for short periods to help meet production goals (see Section 6.c.).

There are reports of trafficking in young girls among North Koreans crossing into China, some to become brides and others forced to work in the sex industry (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—No data is available on the minimum wage in state-owned industries. Until the recent food crisis, wages and rations appeared to be adequate to support workers and their families at a subsistence level. Wages are not the primary form of compensation since the State provides all educational and medical needs free of charge, while only token rent is charged. The minimum wage for workers in North Korea’s FETZ is approximately \$80 per month; in foreign-owned and joint venture enterprises outside the FETZ the minimum wage is reportedly close to \$110 per month. It is not known what proportion of the foreign-paid wages go to the worker and what proportion remains with the State. KEDO, the international organization charged with implementation of a light-water reactor and other projects, has concluded a protocol and a related memorandum of understanding concerning wages and other working conditions for citizens who are to work on KEDO projects. Unskilled laborers receive about \$110 per month while skilled laborers are paid slightly more depending on the nature of the work performed (see Section 6.b.).

The Constitution states that all working-age citizens must work and “strictly observe labor discipline and working hours.” The Penal Code states that anyone who hampers the nation’s industry, commerce, or transportation by intentionally failing to carry out a specific assignment “while pretending to be functioning normally” is subject to the death penalty; it also states that anyone who “shoddily carries out” an assigned duty is subject to no less than 5 years’ imprisonment.

Even persistent tardiness may be defined as “anti-Socialist wrecking” under these articles, although as a result of food shortages absenteeism reportedly has become widespread as more time must be spent finding food. A DPRK official described the labor force to an audience of foreign business executives by noting that “there are no riots, no strikes, and no differences of opinion” with management.

In 1994 the authorities reportedly adopted new labor regulations for enterprises involving foreign investments. The regulations on labor contracts set out provisions on the employment and dismissal of workers, technical training, workhours, rest periods, remuneration, labor protection, social security, fines for violations of regulations, and settlement of disputes.

The Constitution stipulates an 8-hour workday; however, several sources report that most laborers work from 12 to 16 hours daily when factories are operating. Some of this additional time may include mandatory study of the writings of Kim Il Sung and Kim Jong Il. The Constitution provides all citizens with a “right to rest,” including paid leave, holidays, and access to sanitariums and rest homes funded at public expense. Many worksites are hazardous, and the rate of industrial accidents is high. It is believed that workers do not have the right to remove themselves from hazardous working conditions without jeopardizing their employment.

f. Trafficking in Persons.—There are no known laws specifically addressing the problem of trafficking in persons.

There have been reports of trafficking in women and young girls among North Koreans crossing the border into China. Some were sold by their families as wives to men in China. A network of smugglers reportedly facilitates this trafficking. Many such women, unable to speak Chinese, are held as virtual prisoners. Many end up working as prostitutes (see Sections 5 and 6.c.).

REPUBLIC OF KOREA

The Republic of Korea is governed by a directly elected president and a unicameral legislature selected by both direct and proportional voting. Kim Dae-jung was elected President in a free and fair election in December 1997 and was inaugurated in February 1998. A free and fair National Assembly election was held in April. The Constitution provides for an independent judiciary, and in recent years, the judiciary has shown increasing independence; however, several scandals in 1999 involving alleged illegal influence peddling and cronyism have damaged the image of prosecutors and judges.

Responsibility for maintaining internal security lies with the National Intelligence Service (NIS)—formerly known as the National Security Planning Agency, the Korean National Police (KNP), and the Defense Security Command (DSC). Legislation enacted in 1993 restricts the NIS and the DSC from involvement in domestic politics and grants the NIS investigative authority only in cases involving terrorism, espionage, and international crime organizations. The Government revised this law in 1996 to allow the NIS to investigate members of domestic organizations that are viewed as supporting the government of the Democratic Peoples’ Republic of Korea (North Korea; DPRK). The statutory restrictions on the DSC remain in place. Some members of the security forces were responsible for occasional human rights abuses.

Following a rebound in 1999 from the 1997–98 financial and economic crisis, the country’s economic growth began to level off in 2000. Gross Domestic Product (GDP) increased by an estimated 9.3 percent in 2000, with 6 to 7 percent GDP growth estimated in the second half of the year. Underpinning this strong performance was the Government’s continued commitment to a comprehensive financial and corporate restructuring plan. However, the country’s economic growth was dependent on a narrow range of export products, and the still somewhat fragile financial system left the economy susceptible to unpredictable external conditions. Unemployment fell steadily from its 8.6 percent peak in February 1999 to 3.6 percent in November 2000.

The Government generally respected the human rights of its citizens; however, problems remain in some areas, although there were some improvements. Police abused detainees, although human rights groups reported that the number of such cases continued to decline. The Government continued to require released political

prisoners to report regularly to the police under the Social Surveillance Law; however, during the year, it did not undertake independent investigations of the cases of some prisoners who were sentenced on charges believed to have been fabricated by previous governments. Some of these prisoners reportedly were subjected to torture to extract confessions and received trials that did not meet international standards of fairness. The use or threatened use of the National Security Law (NSL)—which forbids contacts with North Korea—continued to infringe upon citizen's civil liberties, including the right to freedom of expression. The President continued to urge that sections of the NSL be revised to protect human rights and make the law consistent with the new atmosphere of improved relations with North Korea and the Government's attempts to expand contacts with that country. In September 63 spies from the DPRK who had been released from prison returned voluntarily to that country. Domestic violence and rape and physical abuse remain serious problems, and there is insufficient legal recourse for dealing with them. Women also continued to face legal and societal discrimination. Ethnic minorities, very small in number, face legal and societal discrimination. Trafficking in persons is a problem; the country is considered a transit point for alien smugglers, including traffickers of primarily Asian women and children for the sex trade and domestic servitude.

In July a revised child protection law went into effect, increasing the penalties for child abuse. In the first half of the year, the Government enacted laws authorizing the investigation of the arrests and so-called "mysterious" deaths of prodemocracy activists under previous military governments. Some of the activists were sentenced on charges believed to have been fabricated by previous governments.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or extrajudicial killings.

To investigate and redress complaints that officials of past military governments had tortured and killed prodemocracy activists, the Government enacted the Special Act on the Investigation of Suspicious Deaths in May. In August a nineperson panel was commissioned to review cases such as the 1960 student uprising and the 1980 Kwangju civil uprising and to shed light on the circumstances surrounding the arrests and deaths of prodemocracy activists.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits the mistreatment of suspects; the Government has ordered investigating authorities to protect the human rights of suspects, and allegations of abuse by authorities of those in custody for questioning continued to decline. Nonetheless, police sometimes abuse persons in custody. Prosecutors continued to place much emphasis on securing convictions through confessions. This focus is driven by cultural factors, with confession viewed as a necessary basis for the reform and rehabilitation of wrongdoers. While the Supreme Court has ruled that confessions obtained after suspects have been deprived of sleep during an interrogation cannot be used in court, there continued to be reports that police questioned suspects throughout the night. Credible sources also reported that in some cases police verbally or physically abused suspects (including beatings, threats, and sexual intimidation) in the course of arrest and police interrogation. However, human rights groups report that the number of such cases continued to decline during the year. In 1999 the Ministry of Justice (MOJ) announced that criminal suspects, who previously had been required to wear prison garb in court, would be allowed to wear street clothes until the court rendered a judgment.

Police and security officials who abuse or harass suspects rarely are punished, and public concern over impunity of police who commit abuses appears to be growing. In a highly publicized case, in February a former police officer, Lee Kun-an, known as the "torture cop" for his abuse of suspects, was convicted of the illegal confinement and cruel punishment of a suspected North Korean spy and sentenced to 7 years in prison. In February 1999, in a highly publicized case, several police officers were disciplined after it was discovered that they had shackled the feet and tied the hands of a 63-year-old man whom they had arrested for a traffic violation.

Former detainees who claimed that officials of previous military governments had tortured them continued to request compensation. However, the Government has not provided an effective mechanism for redress, such as an independent body to investigate complaints of past human rights violations. To investigate and redress complaints that officials of past military governments had tortured detainees, the Government in January enacted the Act on the Restoration of the Honor of and Compensation for Persons Engaged in the Democratic Movement.

Prison conditions are Spartan. Prison diets are adequate, but the facilities offer little protection against cold in the winter and heat in the summer. Some prisoners claim that these conditions damaged their health and that medical care was inadequate. Inmates occasionally criticized guards for using excessive force or needlessly putting prisoners in manacles.

Inmate access to reading materials, telephones, and television broadcasts has improved significantly in recent years. Beginning in March, the MOJ allowed prisoners to receive four visitors per month, and model prisoners who had served more than one-third of their sentences were allowed unsupervised meetings with visitors. Model prisoners also are exempt from mail censorship and eligible for overnight leave. The MOJ also announced a law that prohibits searches of women inmates by male prison guards without prior permission from the warden. Also beginning during the year, pregnant inmates received prenatal care for the full term of their pregnancies.

There is little independent monitoring of prison conditions, although representatives of human rights groups may visit certain prisoners at the discretion of the prison warden.

d. Arbitrary Arrest, Detention, or Exile.—The law is broadly outlined and open to interpretation. The National Security Law (NSL) defines espionage in broad terms and permits the authorities to detain and arrest persons who commit acts viewed as supporting North Korea, and thus perceived to be dangerous to the country. Authorities arrested not only persons accused of spying on behalf of North Korea, but also those who praised North Korea, its former leader Kim Il Sung, or North Korea's "self-reliance" ("juche") political philosophy. Persons traveling to North Korea without authorization also have been arrested under the NSL, as have some who appeared to be expressing opposing political views peacefully. The U.N. Human Rights Committee has termed the NSL "a major obstacle to the full realization of the rights enshrined in the International Covenant on Civil and Political Rights." President Kim Dae-jung, who himself was arrested and sentenced to death under the NSL, has acknowledged that the law has "problematic areas," and enforcement of the law was loosened in light of the June NorthSouth Summit and recent improvements in relations between the two countries. According to MOJ data, during the year 130 persons were arrested for NSL violations, and 50 remained in custody at year's end. The NSL arrest figure is nearly 60 percent lower than in 1999.

The NSL permits the imprisonment for up to 7 years of anyone who, "with the knowledge that he might endanger the existence or security of the State or the basic order of free democracy, praised, encouraged, propagandized for, or sided with the activities of an antistate organization." The legal standard for knowledge that one might endanger the security of the State is vague. Consequently a number of persons have been arrested for what appeared to be the peaceful expression of opposing views, which the authorities considered proNorth Korean or antistate.

In August 1998, Father Moon Kyu Hyun, a Roman Catholic priest, was arrested on charges of violating the NSL after he returned from North Korea. Although the Government had granted him permission to travel to North Korea in 1998, prosecutors alleged that Father Moon wrote in praise of Kim Il Sung in a North Korean visitors book and participated in a North Koreansponsored reunification festival in Panmunjom. The eight other priests who traveled with Father Moon were not arrested. In May Father Moon was sentenced to 2 years in prison and received a stay of execution of that sentence for 2 years. He filed an appeal.

The Government's rationale for retaining the NSL has been that North Korea is trying actively to subvert the Government and society and that due to this special circumstance, some forms of expression must be limited to block the greater danger to freedom and democracy posed by North Korean totalitarianism. The effect sometimes is to relieve the Government of the burden of proof in a court of law that any particular speech or action in fact threatens the nation's security. For example, the Government has prosecuted citizens for unauthorized travel to North Korea (see Section 2.d.). Novelist Hwang Sokyong served 4 years of a 7-year sentence for making an unauthorized visit to North Korea. He was released in 1998 by a special presidential amnesty, and his civil rights were reinstated by a special March 1999 amnesty.

The Criminal Code requires warrants to be issued by judges in cases of arrest, detention, seizure, or search, except if the person is apprehended while committing a criminal act, or if a judge is not available and the authorities believe that the suspect may destroy evidence or escape capture if not quickly arrested. In such emergency cases, judges must issue arrest warrants within 48 hours after apprehension, or, if a court is not located in the same county, within 72 hours. Police may detain suspects who voluntarily appear for questioning for up to 6 hours but must notify the suspects' families. The police generally respected these requirements.

The standards for issuing warrants were tightened in 1997, but following complaints from prosecutors that the new system was administratively cumbersome, the National Assembly voted to ease standards for issuing warrants. Authorities normally must release suspects after 30 days unless an indictment is issued. Consequently, detainees are a relatively small percentage of the total prison population.

The Constitution provides for the right to representation by an attorney and in May 1999, the MOJ announced that it would enforce a suspect's right to have a lawyer present during police interrogation. Beginning in January, individual police stations employed lawyers as legal advisors to aid in examining relevant legal clauses in charging suspects. There were no reports of access to legal counsel being denied.

The MOJ announced in March that all prosecutors' offices have private rooms where suspects could consult with lawyers. There is a bail system, but human rights lawyers say that bail generally is not granted when detainees are charged with committing serious offenses.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and in recent years, the judiciary has shown increasing independence; however, several recent scandals involving alleged illegal influence peddling and cronyism have damaged the image of prosecutors and judges. The President appoints the Chief Justice and most justices of the Constitutional Court. Although judges do not receive life appointments, they cannot be fired or transferred for political reasons. Some district court judges, citing the recent conciliatory mood between North and South Korea, have ruled that contrary to prosecutors' assertions, activists' exchange of faxes with North Korean students or meetings with North Korean representatives in third countries were not, in themselves, sufficient grounds to convict them of violating the NSL.

Local courts are presided over by judges who render verdicts in all cases. There is no trial by jury. Defendants can appeal a verdict to a district appeals court and to the Supreme Court. Constitutional challenges can be taken to the Constitutional Court, which was created in 1988.

The Constitution provides defendants with a number of rights in criminal trials including the presumption of innocence, protection against self-incrimination, freedom from retroactive laws and double jeopardy, the right to a speedy trial, and the right of appeal. When a person is detained physically, the initial trial must be completed within 6 months of arrest. These rights generally are observed. Trials are open to the public, but the judge may restrict attendance if he believes spectators may seek to disrupt the proceedings.

Judges generally allow considerable scope for the examination of witnesses by both the prosecution and defense. Cases involving national security and criminal matters are tried by the same courts. Although convictions rarely are overturned, appeals often result in reduced sentences. Death sentences are appealed automatically.

Human rights groups believe that many dissidents tried by past military governments during the 1970's and 1980's were sentenced to long prison terms on false charges of spying for North Korea. Furthermore, these persons reportedly had been held incommunicado for up to 60 days after their arrest, subjected to torture, forced to make "confessions," and convicted after trials that did not conform to international standards for a fair trial. To investigate and redress complaints that officials of past military governments had tortured former detainees, in January the Government enacted the Act on the Restoration of the Honor of and Compensation for Persons Engaged in the Democratic Movement. In July 1998, the Government repealed the system by which "ideological prisoners" had to renounce their real or alleged beliefs and instituted a system by which prisoners had to sign a written promise to obey the law and pledge to recognize the Republic of Korea in order to be released from prison. A total of 56 were freed, but only 7 signed the pledge in the 1999 Independence Day amnesty. Although the new system was a significant step for the Government, human rights groups criticized the requirement of a promise to obey the law, including the NSL, as tantamount to forcing citizens to renounce their beliefs. However, on the occasion of a special presidential amnesty in March 1999, 17 longterm, unconverted prisoners, that is, persons who had refused to renounce allegiance to the DPRK and Communist beliefs, were released without having to renounce their beliefs or sign an oath of obedience. However, some released political prisoners were required to report their activities regularly to the police. According to the MOJ, no long-term unconverted prisoners remained incarcerated. On September 3, 63 North Korean spies, who had been released from South Korean prisons, were allowed to return to North Korea per their wishes.

It is difficult to estimate the number of political prisoners because it is not clear whether particular persons were arrested for merely exercising the rights of free

speech or association or whether they were detained for committing acts of violence or espionage. Some human rights monitors estimate the number of political prisoners at 300. However, these monitors' definitions of political prisoner often include all persons imprisoned for politically motivated acts, without distinction as to whether the acts themselves included violence or other criminal behavior. The number of political prisoners and detainees as defined by international standards appears to number under 200.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—In general the Government respects the integrity of the home and family. In the past, the security services conducted varying degrees of surveillance, including wiretaps of political dissidents. The 1995 Antiwiretap Law and the law to reform the NIS (then known as the National Security Planning Agency) were designed to curb government surveillance of civilians and largely appear to have succeeded. The Antiwiretap Law lays out broad conditions under which the monitoring of telephone calls, mail, and other forms of communication are legal. It requires government officials to secure a judge's permission before placing wiretaps, or, in the event of an emergency, soon after placing them, and it provides for jail terms for those who violate this law. Some human rights groups argue that a considerable amount of illegal wiretapping still is taking place, and they assert that the lack of an independent body to investigate whether police have employed illegal wiretaps hinders the effectiveness of the Antiwiretap Law.

In 1998 several opposition lawmakers broke into the NIS (the then National Security Planning Agency) liaison office in the National Assembly building and removed documents that they claimed substantiated allegations that the office was being used by the NIS to conduct surveillance of National Assembly members. Several opposition legislators have alleged that they are under surveillance by the Government and that their homes, offices, and cellular telephones are tapped.

The NSL forbids citizens from listening to North Korean radio in their homes or reading books published in North Korea if the Government determines that they are doing so to help North Korea. However, in October 1999, the Government legalized the viewing of North Korean satellite telecasts in private homes. Furthermore, the Government allowed the personal perusal of North Korean books, music, television programs, and movies as a means to promote understanding and reconciliation with North Korea.

Student groups make credible claims that government informants are posted on university campuses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—While most political discourse is unrestricted, under the NSL the Government limits the expression of ideas that authorities consider Communist or pro-North Korean. Broad interpretations of the NSL allow for restrictions on peaceful dissent.

Although the Government has abandoned direct control over the news media, it continues to exercise indirect influence, and government officials vigorously lobby reporters and editors. The latent threats of tax investigations against companies and pressure on advertisers still are believed to induce newspapers and broadcasters to self-censor criticism of the Government in some cases. Moreover, while the Government's anticorruption campaign curtailed politicians' payments of money to reporters, it did not eliminate them. Nevertheless, press criticism of the Government is extensive in all fields, and authorities have not used repressive measures to stop media reporting. Many radio and television stations are state supported, but they maintain a considerable degree of editorial independence in their news coverage.

Journalists allege that the libel laws are used to harass publications for articles that are unflattering but not necessarily untrue, and in the past some journalists have been arrested and jailed for libel.

Prosecutors continued to indict dissidents under the NSL for producing, selling, or distributing pro-North Korean or proCommunist materials. Court precedents allow citizens to possess these kinds of publications for purely academic use, profit, or curiosity, but not with the intent of subverting the State. Prosecutors have wide discretion in determining motives for possessing or publishing such materials.

There is wide reporting of North Korean issues and issues concerning NorthSouth relations.

The Government Censorship Board, which screens movies for sex and violence, has followed more liberal guidelines in recent years and allowed the release of a broader range of films. The Government does not control access to the Internet, but it made some effort—largely ineffective—to control Internet pornography.

The Government generally respected academic freedom, and no instances of prosecution for scholarly writing were reported during the year. However, student groups credibly report the presence of government informants on university campuses (see Section 1.f.).

b. Freedom of Peaceful Assembly and Association.—The Law on Assembly and Demonstrations prohibits assemblies considered likely to undermine public order. The law requires that the police be notified in advance of demonstrations of all types, including political rallies, and the police must notify organizers if they consider the event impermissible under this law.

In June more than 3,000 riot police forcibly dispersed about 1,000 striking workers at the Lotte Hotel in Seoul. The workers were taken into detention; at least 33 were beaten and injured (see Section 6.a.).

The Constitution provides for freedom of association, and the Government generally respects this right in practice. There are no registration requirements. Associations operate freely, except those deemed by the Government to be seeking to overthrow the State.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Most citizens can move freely throughout the country; however, police may restrict the movements of some former prisoners. Foreign travel generally is unrestricted; however, the Government must approve travel to North Korea (see Section 1.d.). To obtain approval, potential visitors must demonstrate that their trip does not have a political purpose—that is, to praise North Korea or to criticize the South Korean Government. During the year, the Government actively promoted the expansion of contacts of all types between citizens and persons in North Korea. However, travelers to North Korea who do not receive government permission are likely to be arrested upon their return.

In the past, the Government forbade some citizens convicted of politically related crimes from returning to the country, and some citizens still face sanctions if they return.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Government guidelines provide for offering temporary refuge in the case of a mass influx of asylum seekers. However, the issue of provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they had a fear of persecution.

The Government ratified the International Convention Relating to the Status of Refugees in 1992; it went into effect in 1994, when provisions covering asylum seekers were included in the immigration law. Since 1994 54 individuals have sought asylum, but none so far has been granted asylum. According to the UNHCR, the Government's handling of asylum applications remains rigid. In 1999 the Government agreed to suspend temporarily exit orders for persons whose cases were under review by the UNHCR. The MOJ asserted that the asylum applicants did not qualify for refugee status under the refugee convention, failed to present evidence to back their claims, or made false statements on their applications.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution, as amended in 1987, provides for the direct election of the President and for a mixed system of direct and proportional election of legislators to the unicameral National Assembly. The President serves a single 5-year term and may not be reelected. The National Assembly's term is 4 years. All citizens 20 years of age or older have the right to vote, and elections are held by secret ballot.

Women are underrepresented in government and politics. Because of cultural traditions and discrimination, women occupy few important positions in government. There is one woman in the Cabinet, the Minister of Environment. In the April National Assembly election, 16 female legislators were elected to the 299-seat National Assembly, one of them chairs a special committee on women's affairs.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several nongovernmental organizations (NGO's) are active in promoting human rights, and they operate without government restriction. Chief among these groups are the Lawyers for a Democratic Society, Sarangbang, the Human Rights Com-

mittee of the National Council of Churches in Korea, the Korean Bar Association, People's Solidarity for Participatory Democracy, and "Mingahyup," an association of the families of political prisoners. These groups publish reports on human rights and make their views known both inside and outside the country. Government officials generally have been willing to meet with international human rights groups.

In September the MOJ sent to the National Assembly a bill that would establish a human rights commission to investigate accusations of human rights violations. The President first mentioned this action as one of his 100 presidential policy pledges in February 1998.

There is little independent monitoring of prison conditions, although representatives of human rights groups may visit certain prisoners at the discretion of the prison warden.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and equal opportunity statutes forbid discrimination on the basis of race, sex, religion, disability, or social status, and the Government respects these provisions. However, traditional attitudes limit opportunities for women and the disabled. Ethnic minorities are very small in number; they face both legal and societal discrimination.

Women.—Violence against women remains a problem, and some women's rights groups maintain that such violence, including spousal abuse, has worsened with the recent decline of the economy. A 1997 survey found that 31.4 percent of households had experienced incidents of domestic violence during that year. In 1998 the Government enacted the Prevention of Domestic Violence and Victim Protection Act, which defines domestic violence as a serious crime. Authorities can order offenders to stay away from victims for up to 6 months and order them to be put on probation or to see court-designated counselors. The law also requires police to respond immediately to reports of domestic violence. Women's groups praised the law as a significant step in combating domestic violence. Several instances during the year of sexual harassment and attempted rapes allegedly committed by well-known men raised public awareness of these problems.

Rape remained a serious problem, with 6,359 cases reported in 1999, according to MOJ statistics, the most recent available. Many rapes go unreported because of the stigma associated with being raped. Women's groups' activities have increased awareness of the importance of reporting and prosecuting rapes, as well as of offenses such as sexual harassment in the workplace. According to women's rights groups, cases involving sexual harassment or rape generally go unprosecuted, and perpetrators, if convicted, often receive very light sentences.

A law was enacted to combat sexual harassment in the workplace, and went into effect in July 1999. Under the law, companies can be fined up to \$2,500 (3 million won) for failing to take steps to prevent sexual harassment in the workplace or failing to punish an offender. The law also requires companies to establish in-house sexual harassment complaint centers and forbids firms from punishing employees for taking their complaints to outside organizations. In addition the Ministry of Education announced that the law's guidelines would apply at public schools and that teachers who make genderdiscriminatory remarks would be disciplined. As examples of such remarks, the Ministry cited statements that emphasized women's traditional roles in families, stressed men's leadership in society, and encouraged female students to work for good marriages instead of embarking on a career after graduation.

The 1991 Family Law permits women to head a household, recognizes a wife's right to a portion of the couple's property, and allows a woman to maintain greater contact with her children after a divorce. Although the revisions help women who choose to divorce, including victims of domestic violence, the stigma of divorce remains strong, and there is little government or private assistance for divorced women. These factors, plus the fact that divorced women have limited employment opportunities and have difficulty remarrying, lead some women to stay in abusive situations. The Government has established some shelters for battered women and has increased the number of childcare facilities, giving women in abusive situations more options, but women's rights groups say that they fall far short of effectively dealing with the problem.

The country's conservative traditions make women subordinate to men socially and economically. Despite the passage of equal employment opportunity legislation in 1987, few women work as company executives, and sexual discrimination in the workplace remains a problem. However, in January 1999 the National Assembly revised the 1987 Equal Employment Act to include tougher penalties to be imposed on companies that are found to discriminate against women in hiring and pro-

motions. Under the revised law, the Presidential Commission on Women was granted the authority to investigate sexual discrimination cases in the workplace. A company found guilty of practicing sexual discrimination could be fined up to \$4,200 (5 million won) and have its name published in the newspaper. The revised law also provides for a public fund to support victims in seeking legal redress. Nevertheless, some government agencies' preferential hiring of applicants with military service (nearly always men) points to continued legal barriers against women. In December 1999, the Constitutional Court ruled that government agencies' preferential hiring practices for those who have performed military service discriminated against women and disabled persons and were unconstitutional. Women have full access to education, and social mores and attitudes are changing gradually. For example, the major political parties are making more efforts to recruit women; the Ministry of Women's Affairs continued its efforts to expand employment opportunities; and the military and service academies continued to expand opportunities for women.

The Government provides an allowance of \$417 (500,000 won) per month to 143 former "comfort women" (women who, during World War II, were forced to provide sex to soldiers of the Japanese Imperial Army).

The country is considered a transit point for traffickers of Asian women and children sold into the sex trade and domestic servitude (see Section 6.f.).

Children.—The Government demonstrates its commitment to children's rights and welfare through its well-funded system of public education. The Government provides high-quality elementary education to all children free of charge, and education is compulsory through the age of 15. Most children obtain a good secondary education. High-quality health care is widely available to children.

As public awareness of the problem of child abuse continues to grow, the number of reported cases has increased. According to one NGO's figures, 2,115 cases of child abuse were reported in 1999. The Seoul metropolitan government operates a children's counseling center that investigates reports of abuse, counsels families, and cares for runaway children. Until 1998 there was no specific law against child abuse; however, the Prevention of Domestic Violence and Victim Prevention Act, which defines domestic violence as a serious crime, allows a child to bring charges against a parent in cases of abuse. During the year, the Government enacted a revised child protection law that mandated the establishment of a child abuse hot line and the dispatch of trained personnel to take preliminary measures for the protection of an abused child. Under the revised law, the Government also is to establish new child welfare facilities for abused children. Revisions also included increased penalties for convicted child abusers, who would face up to 5 years in prison (compared with the previous 2 years) for child abuse.

In July 1999, the Government's Commission on Youth Protection, exercising its mandate to "regulate the circulation of harmful materials and substances and to protect youth from harmful entertainment establishments," revised the Youth Protection Law. Under the revised law, owners of entertainment establishments who hire minors under the age of 19 face prison terms of up to 10 years and a fine of \$17,000 (20 million won) per minor hired. The law previously had provided for a prison term of 3 years and a fine of \$23,000 (28 million won) no matter how many minors were hired. The Commission also announced that it was expanding the definition of "entertainment establishment" to include facilities, such as restaurants and cafes, where children sometimes were hired illegally as prostitutes.

In July the Juvenile Sexual Protection Act took effect. It established the maximum imprisonment for the sale of the sexual services of persons under 19 years of age at 20 years. It also established prison terms for persons convicted of purchase of sexual services of youth under the age of 19 (see Section 6.f.).

The traditional preference for male children continues, although it is less evident among couples under the age of 40. Although the law bans fetal testing except when a mother's life is in danger, when a hereditary disease would be transmitted, in cases of rape or incest, such testing and the subsequent termination of pregnancies with female fetuses frequently occur. The Government has expressed concern about the widening disparity between male and female birth rates.

The country is considered a transit point for traffickers of Asian women and children sold into the sex trade and domestic servitude (see Sections 6.c., 6.d., and 6.f.).

People with Disabilities.—The law provides broad protections against discrimination against people with disabilities. Although measures aimed at creating opportunities for the disabled have been taken, public facilities for their everyday care and use remained inadequate. However, there is no legal discrimination against disabled persons in employment, education, or the provision of other state services.

In 1995 the Government expanded job training programs, medical benefits, and welfare facilities for disabled citizens. Since 1991 firms with over 300 employees have been required by law either to hire disabled workers or pay a fee. Surveys indi-

cate that most companies either paid the fee or evaded the law, with one 1999 survey indicating that 9 out of 10 firms with more than 300 employees failed to meet the legally mandated 2 percent job quota for disabled workers. In the past, the Government increased the subsidies provided to companies that hire the disabled. Nonetheless, the hiring of the disabled remains significantly below target levels. The disabled make up less than 1 percent of the work force. New public buildings are required to include facilities for the disabled, such as ramp access to entrances, a wheelchair lift, and special parking spaces. The Health and Welfare Ministry announced in 1995 that existing government buildings must be retrofitted with these facilities by 2005. As of 1998, 47.4 percent of public buildings and facilities had facilities for the disabled. In December 1999, the Constitutional Court ruled that government agencies' preferential hiring practices for those who have performed military service discriminated against disabled persons and were unconstitutional.

National/Racial/Ethnic Minorities.—The country is racially homogeneous, with no ethnic minorities of significant size. Except in cases of naturalization, citizenship is based on parentage, not place of birth, and persons must show their family genealogy as proof of citizenship. Thus, ethnic Chinese born and resident in Korea cannot automatically obtain citizenship or become public servants and may have difficulty being hired by some major corporations. Due to legal as well as societal discrimination, many ethnic Chinese have emigrated to other countries since the 1970's. There are approximately 20,000 ethnic Chinese, who represent 0.05 percent of the population. In June 1998, the Government passed legislation to allow a female citizen to transmit citizenship to her child regardless of the citizenship of the child's father. Amerasians face no legal discrimination, but informal discrimination is prevalent, making it more difficult for them to succeed in academia, business, or government.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers the right to associate freely, except for public sector employees. In 1998 the Government passed legislation that, beginning in January 1999, allowed white-collar government workers to form workplace councils. Blue-collar workers in such government agencies as the postal service, railways, telecommunications, and the National Medical Center are allowed to organize unions. As few as two employees may form a union. Until 1997 the Trade Union Law specified that only one union was permitted at each workplace. However, labor law changes in 1997 authorized the formation of competing unions starting in 2002. All unions are required to notify the authorities when formed or dissolved. According to 1999 figures, about 12.6 percent of workers belong to a union. There are approximately 5,560 trade unions.

In the past, the Government did not grant formal recognition to labor federations that were not affiliated with the country's two legally recognized labor groupings—the Federation of Korean Trade Unions (FKTU) and the Independent Korean Federation of Clerical and Financial Workers. However, in the past several years, the Labor Ministry officially recognized some independent white-collar federations representing hospital workers, journalists, and office workers at construction firms and at government research institutes. The courts ruled in 1992 that affiliation with the FKTU was not required for registration as a legal labor federation. The legalization of the teachers' union paved the way for government recognition of the dissident Korean Confederation of Trade Unions (KCTU) in November 1999. In practice labor federations not formally recognized by the Labor Ministry have operated without government interference.

Strikes are prohibited in government agencies, state-run enterprises, and defense industries. By law unions in enterprises determined to be of "essential public interest," including public transportation, utilities, public health, banking, and telecommunications can be ordered to submit to government-ordered arbitration in lieu of striking. However, in practice the Government rarely imposes arbitration. The number of labor disputes has declined in recent years. According to Labor Ministry statistics, 198 strikes occurred in 1999, the last year for which complete data are available. The Labor Dispute Adjustment Act requires unions to notify the Labor Ministry of their intention to strike; it mandates a 10-day "cooling-off period" before a work stoppage legally may begin and 15 days in public interest sectors. Labor laws prohibit retribution against workers who have conducted a legal strike and allow workers to file complaints of unfair labor practices against employers. In recent years, the Government has cultivated a more neutral stance in labor disputes. In 1998 the National Assembly adopted a law that permits mass layoffs of workers in cases of corporate restructuring. The impending layoffs of thousands of workers led to strikes in the auto and banking industries.

In August 1998, striking workers shut down the Hyundai Motors' auto plant in Ulsan; although the Government threatened to use police to remove the workers, labor and management settled their dispute peacefully. There were no reports that employer-hired squads assaulted workers during the year. In July a threatened bank workers' strike was averted, in contrast with a 1998 bank union strike in which strikers caused property damage.

According to government figures, as of August, 49 persons had been arrested for allegedly instigating violent strikes or illegally disrupting business (a total of 129 were arrested and tried in 1999). In June more than 3,000 riot police forcefully dispersed approximately 1,000 striking workers at a hotel strike in Seoul. Also in June, police dispersed a strike among workers at the National Health Insurance Corporation. Several union leaders were arrested in both strikes, and the violence in the hotel strike led to injuries to 33 strikers. Although there were several large general strikes, the Government did not punish union members for their participation in these strikes or other mass rallies. Workers fired by employers that were found guilty of unfair labor activities were reinstated.

In December Seoul police violently dispersed demonstrations by striking union members at two banks. Most workers left voluntarily, but several who refused to disperse were injured in conflicts with police.

The ban on teachers' unions was lifted in July 1999. Accordingly, the KCTU-affiliated Korean Teachers' Union (Chonkyojo) and the FKTU-affiliated Korean Union of Teachers and Educational Workers became legal. Although the two teachers unions have the right to bargain collectively with the Ministry of Education on wages or working condition—but not school curriculums—it is illegal for the unions to enter into collective action. In the April National Assembly election, several candidates from the KCTU-affiliated Democratic Labor Party made unsuccessful bids for assembly seats.

Labor laws prohibiting political activities by unions were rescinded in 1997. Election laws that apply to other social organizations regulate unions. These regulations prohibit donations by unions (and other social organizations) to political parties. Some trade unionists have temporarily resigned from their union posts to run for office.

The FKTU and KCTU are affiliated with the International Confederation of Free Trade Unions. Most of the FKTU's 20 constituent federations maintain affiliations with international trade secretariats, as does the KCTU Metalworkers Council.

In 1998 the country was reinstated to the Overseas Private Investment Corporation's (OPIC) insurance programs, which had been suspended since 1991 on worker rights grounds.

b. The Right to Organize and Bargain Collectively.—The Constitution and the Trade Union Law provide for the right of workers to collective bargaining and collective action. This law also empowers workers to file complaints of unfair labor practices against employers who interfere with union organizing or practice discrimination against union members. Employers found guilty of unfair practices can be required to reinstate workers who were fired for union activities.

Extensive collective bargaining is practiced, even with unions whose federations are not recognized legally by the Government. The labor laws do not extend the right to organize and bargain collectively to defense industry workers or to white-collar government employees, although the Government passed legislation to allow government workers to form workplace councils beginning in 1999, including workers at state or publicly run enterprises.

There is no independent system of labor courts. The central and local labor commissions form a semiautonomous agency of the Labor Ministry that adjudicates disputes in accordance with the Labor Dispute Adjustment Law. Each labor commission is composed of equal numbers of representatives of labor and management, plus neutral experts who represent the "public interest." Local labor commissions are empowered to decide on remedial measures in cases involving unfair labor practices and to mediate and, in some situations, arbitrate labor disputes. Arbitration can be made compulsory in sectors of the economy (for example, utilities and transportation) deemed essential to public welfare.

In 1998 the Government established the Tripartite Commission, with representatives from labor, management, and the Government to deal with labor issues related to the economic downturn. The work of the Commission made it legal for companies to lay off workers due to economic hardship and authorized temporary manpower agencies. Disputes among labor, management, and government representatives led to the withdrawal of the KCTU representatives in September 1999.

In the past, regulations forbade intervention in disputes by so-called third parties, such as labor federations not recognized by the Government. Labor laws were revised in 1997 to remove the ban on third-party intervention and allow nonrecog-

nized federations to assist member unions involved in a strike. Under this provision, persons who assist trade unions or employers in a dispute or in the course of bargaining are required to register with the Ministry of Labor. Those who fail to do so may face a large fine or a maximum sentence of 3 years' imprisonment.

Enterprises in the two export processing zones (EPZ's) had been designated by the Government as public interest enterprises. Workers in these enterprises, whose rights to organize formerly were restricted, gradually have been given the rights enjoyed by workers in other sectors of the economy. Labor organizations are permitted in EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including forced or compulsory labor by children, and it is not known to occur. The Constitution provides that no person shall be punished, placed under preventive restrictions, or subjected to involuntary labor, except as provided by law and through lawful procedures. The country is a transit point in trafficking in Asian women and children (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Standards Law prohibits the employment of persons under the age of 15 without a special employment certificate from the Labor Ministry. Because education is compulsory through middle school (about age 14), few special employment certificates are issued for full-time employment. Some children are allowed to hold part-time jobs such as selling newspapers. To obtain employment, children under age 18 must have written approval from their parents or guardians. Employers can require minors to work only a limited number of overtime hours and are prohibited from employing them at night without special permission from the Labor Ministry. Child labor laws and regulations are clear and usually enforced when violations are found, but the Government employs too few inspectors to carry out regular inspections. The Government prohibits forced and bonded child labor and enforces this prohibition (see Section 6.c.). The Government has not defined Worst Forms of Child Abuse or hazardous work.

The country is a transit point for trafficking in Asian women and children (see Section 6.f.).

e. Acceptable Conditions of Work.—The Government implemented a minimum wage in 1988, and the minimum wage level is reviewed annually. Since September 1999, the minimum wage was approximately \$1.45 (1,600 won) per hour. Companies with fewer than 10 employees are exempt from this law. The FKTU and other labor organizations assert that the current minimum wage does not meet the basic requirements of urban workers. In fact workers earning the minimum wage would have difficulty in providing a decent standard of living for themselves and their families, despite fringe benefits, such as transportation expenses, with which companies normally supplement salaries (however, the money an average blue-collar worker takes home in overtime and bonuses significantly raises the total compensation package). According to the Ministry of Health and Welfare, 4.2 percent of the population lived below the poverty level as of July 1999.

Amendments to the Labor Standards Law passed in 1989 brought the maximum regular workweek to 44 hours, with provision for overtime to be compensated at a higher wage. The law also provides for a 24-hour rest period each week. Labor laws were revised in 1997 to establish a flexible hours system, according to which employers could require laborers to work up to 48 hours during certain weeks without paying overtime, so long as average weekly hours for any given 2-week period did not exceed 44. If a union agreed to a further loosening of the rules, management could ask employees to work up to 56 hours in a given week. The legislation established a daily cap of 12 hours on the working day. Labor groups claim that the Government does not enforce adequately the maximum workweek provisions at small companies.

Foreign workers, most of whom come from China, the Philippines, Bangladesh, Nepal, and Pakistan, often face difficult working conditions. In the early 1990's, the Government sought to ease the problems of illegal workers by creating a program that allowed about 60,000 foreign workers to enter the country legally to work at established wages with legal safeguards. In September the Government announced that industrial trainees would be allowed to remain in the country for as long as 5 years. Previously, those entering the country on trainee visas could remain for 3 years.

The Government reports that approximately 235,000 foreign workers reside in the country and that about 150,000 are illegal residents. It is difficult for illegal workers to seek relief for loss of pay or unsatisfactory living and working conditions because they face deportation. However, the Government has established counseling centers that hear complaints from illegal foreign workers about such problems as overdue wages and industrial accidents. The MOJ announced in March that it would sus-

pend deportation proceedings for illegal residents awaiting back pay. The MOJ also announced that it would establish a human rights committee for foreign workers to address problems that some foreign workers face from primarily private sector employers. These workers have been subjected to beatings, forced detention, withheld wages, and seizure of passports. Finally, employers reported to have abused foreign workers would be subject to criminal charges and disadvantaged in the Government's allocation of jobs for overseas workers. Foreigners working as language teachers have complained that the language institutes that hired them frequently violated employment contracts, for which the legal system provided insufficient redress.

The Government sets health and safety standards, but the accident rate is unusually high. However, this rate continued to decline gradually due to improved occupational safety programs and union pressure for better working conditions. The Labor Ministry still lacks enough inspectors to enforce the labor laws fully. The Industrial Safety and Health Law does not provide job security for workers who remove themselves from dangerous work environments.

f. Trafficking in Persons.—The Criminal Code states that, "A person who kidnaps another by force or coercion for purposes of engaging in an indecent act or sexual intercourse, or for gain, shall be punished by imprisonment for not less than 1 year ... this shall apply to a person who buys or sells a woman for purpose of prostitution." The Labor Standards Law prohibits employment of any person under 18 years of age in work that "is detrimental to morality or health."

Trafficking in persons is a problem. Because of lax control of transit areas at international airports, the country is considered a transit point for alien smugglers, including traffickers of primarily Asian women and children for the sex trade and domestic servitude. Relatively small numbers of Korean economic migrants, seeking opportunities abroad, are believed to have become victims of traffickers as well (see Section 5). One travel agency was accused of visa fraud and the trafficking of women to a Western country for prostitution. There were several reports of the falsification of Korean documents by travel agencies; many cases involved the trafficking of citizens of China to Western countries.

The Juvenile Sexual Protection Act enacted in July imposes lengthy prison terms for persons convicted of sexual crimes against minors (see Section 5).

In May police arrested 5 persons for visa fraud for the purpose of trafficking in aliens; the group had reportedly recruited more than 1,000 persons. In November police arrested Lim Il-kwon, a citizen convicted of past alien trafficking, on charges of document fraud. He admitted to the smuggling of women to Japan and Western countries for purposes of prostitution. Police believe that Lim was responsible for the trafficking of hundreds of persons. Police also arrested another suspected trafficker who admitted document fraud for international travel. All the suspects awaited trial at year's end.

Most related arrests are made on charges of travel document fraud, not trafficking itself. There were no trafficking arrests during the year.

LAOS

The Lao People's Democratic Republic is an authoritarian, Communist, one-party state ruled by the Lao People's Revolutionary Party (LPRP). Although the 1991 Constitution outlines a system composed of executive, legislative, and judicial branches, in practice the LPRP continued to influence governance and the choice of leaders through its constitutional "leading role" at all levels. The 99-member National Assembly, elected in 1997 under a system of universal suffrage, selected the President and Prime Minister in 1998. The judiciary is subject to executive influence.

The Ministry of Interior (MOI) maintains internal security but shares the function of state control with party and mass front (People Network) organizations. The Ministry of Foreign Affairs is responsible for the monitoring and oversight of foreigners working in the country; its activities are augmented by other security organizations and surveillance systems. The MOI includes local police, security police (including border police), communication police, and other armed police units. The armed forces are responsible for external security but also have some domestic security responsibilities that include counterterrorism and counterinsurgency activities. Civilian authorities generally maintain effective control over the security forces. There continue to be credible reports that some members of the security forces committed human rights abuses.

Laos is an extremely poor country of 5.2 million persons.

After the LPRP came to power in 1975, 10 percent of the population (at least 360,000 persons) fled the country to escape the Government's harsh political and economic policies. The economy is principally agricultural; 85 percent of the population is engaged in subsistence agriculture. Per capita gross domestic product is estimated to be \$300 per year. Since 1986 the Government largely has abandoned its Socialist economic policies, although in practice the operation of the state-owned banks and enterprises indicates a reluctance to discard old models. Most economic reforms have begun to move the country gradually from a moribund, centrally planned system to a marketoriented economy open to foreign investment with a growing legal framework, including laws to protect property rights.

The Government's human rights record remained poor throughout the year, and there were a number of serious problems. Citizens do not have the right to change their government. During clashes with insurgents in the north, there were unconfirmed accusations that government troops deliberately killed noncombatant civilians. At times members of the security forces abused detainees and brutally beat suspected insurgents. Government troops razed one village in the north. Prison conditions are extremely harsh. Police used arbitrary arrest, detention, and intrusive surveillance. Lengthy pretrial detention is a problem. The judiciary is subject to executive influence, suffers from corruption, and does not ensure citizens' due process. The Government infringed on citizens' privacy rights. The Government restricts freedom of speech and imposes some restrictions on press freedom, assembly, and association. However, it permitted some access to the foreign press and the Internet. The Government restricts freedom of religion and arrested and detained approximately 95 Christians, and more than 25 members of religious communities remained in custody at the end of the year. Forced renunciation campaigns and church closings continued in some areas. The Government imposes some restrictions on freedom of movement. Some societal discrimination against women and minorities persists. The Government actively supported a policy of encouraging greater rights for women, children, disabled persons, and minorities. The Government restricts some worker rights. The Government continued to focus on the problem of trafficking in women and children.

Several small-scale explosive devices were detonated in urban areas during the year, causing one death and dozens of injuries. No group claimed responsibility for these acts. Official statements initially downplayed the incidents, attributing them to personal quarrels and vendettas; some government officials later blamed "foreign terrorists."

Organized Hmong insurgent groups were responsible for occasional clashes with government troops. These exchanges reportedly were brutal on both sides. The organized Hmong insurgent group, the Chao Fa, was responsible for the killing of more than 15 civilians in 4 incidents in Vientiane and Xieng Khouang provinces and in Saysomboune Special Zone. These incidents appeared to be acts of deliberate terror against citizens who do not support resistance to the Government.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of politically motivated killings by government officials during the year. There continued to be isolated, unconfirmed reports of deaths at the hands of security forces in remote areas, usually in connection with personal disputes and the personal abuse of authority.

In armed actions against insurgents, government troops burned down one village in the north in the first part of the year; accusations that government troops deliberately killed civilian noncombatants could not be confirmed (see Section 1.c.).

In October security forces killed from three to five prisoners who had escaped from Phongsaly provincial jail; there was no evidence that the prisoners were armed or had threatened their pursuers. Some reports stated that the prisoners had already been recaptured.

According to unconfirmed reports, in early May police from Phonesavanh, Xieng Khouang province, shot and killed two Hmong civilians visiting from another province who were out walking after the nighttime curfew. There is no additional evidence available about the case, including whether the Government gave compensation to the victims' families, the usual practice with accidental shootings in security zones.

A series of bomb detonations in urban areas killed at least one bystander and injured dozens. No group claimed responsibility for these small-scale bombings. Official statements initially downplayed the incidents, attributing them to personal quarrels and vendettas; some government officials later blamed "foreign terrorists,"

failing to acknowledge that the incidents may have been acts of terror by internal rivals for power and influence. Authorities arrested two suspects whom they later released.

Attacks by armed groups on official and civilian travelers continued on a small scale in the central and north central regions. The attacks reportedly involved various factors including insurgency, clan rivalry, robbery, and reaction to encroaching development. The Government remained concerned about the safety of foreign tourists and aid workers in remote areas, although there were no confirmed attacks on foreigners during the year.

In January Hmong insurgents attacked Xieng Khouang province's district capital town of Muang Khoune, killing 7 persons and burning down 17 structures. Credible reports indicated that Hmong insurgents attacked a village in Kasi district in July and killed five civilians. Other reports indicated that the Hmong insurgents shot and killed persons gathering food during February to April in the forest areas of Saysomboune Special Zone. There was no evidence that the deaths were intentional.

In December Hmong insurgents attacked a village in Xieng Khouang province. They killed three civilians and destroyed houses.

b. Disappearance.—There were no reports of politically motivated disappearances of Lao citizens; however, reports indicated that two U.S. citizens disappeared in April 1999 near the northwest border with Thailand. The two men, Michael Vang and Houa Ly, disappeared soon after reportedly entering the country. The matter remained under review by authorities at year's end, but there was no evidence that the Government either provided the promised investigative cooperation or conducted a serious unilateral investigation during the year.

c. Torture and Other Cruel, Inhuman, or Degrading.—Treatment or Punishment The Constitution and the Penal Code prohibit torture, and the Government generally respected these provisions in practice; however, on occasion, members of the security forces subjected detainees to abusive treatment. For example, early in the year, a few local police and prison officials in one southern province beat a number of religious detainees. In March 1998, Lao authorities, some wearing police uniforms, detained a foreign citizen and three family members in an unofficial detention center for 4 days. The Government did not file charges against the four persons. The officials reportedly kept the four persons in locked, windowless rooms and subjected them to long and arduous interrogation before releasing them. The Government offered no explanation for this treatment. There is no evidence that the Government has investigated the incident seriously, and no prosecution or punishment of the perpetrators is expected.

The Government chose not to address numerous reports of massive human rights violations by government authorities that were made by groups outside the country. Most of these reports could not be confirmed through independent sources. However, there continue to be credible reports that some members of the security forces committed human rights abuses, including arbitrary detention and intimidation. There were credible reports that some members of the security forces burned down a Hmong village in the northern insurgency area and were responsible for nearly beating some villagers to death, and that other members abused citizens in the first half of the year during clashes with insurgents or armed individuals suspected to be insurgents. Some members of the security forces in Xieng Khouang and Saysomboune Special Zone threatened families and villages.

A series of eight bombs exploded in Vientiane during the year, killing at least one and injuring dozens of persons. Authorities found as many as four other unexploded bombs in Vientiane and two others in southern provinces. Another bomb exploded in the south, with no injuries. The Vientiane Times reported official claims that the bombs were the result of business disputes and personal vendettas.

Prison conditions generally are extremely harsh. Food rations are minimal, and most prisoners rely on their families for their subsistence. The Government discriminates in its treatment of prisoners, restricting the family visits of some and prohibiting visits to a few. Prison authorities use degrading treatment, solitary confinement, and incommunicado detention against perceived problem prisoners, especially suspected insurgents. On occasion authorities used incommunicado detention as an interrogation method; in isolated cases, this was life threatening. There are confirmed reports that a few jails place prisoners in leg chains, wooden stocks, or fixed hand manacles for extended periods. Medical facilities range from poor to nonexistent. Prison conditions for women are similar to those for men.

Several international human rights groups continued their longstanding requests to the Government to move two political prisoners to a prison with better conditions, including more modern medical facilities (see Section 1.e.). At year's end, the Government continued to ignore these humanitarian pleas.

The Government does not permit independent monitoring of prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for arrest warrants issued by the prosecutor, and the Constitution provides for procedural safeguards; however, in practice the Government does not respect these provisions, and arbitrary arrest and detention remain problems. Police sometimes use temporary arrest as a means of intimidation. Police exercise wide latitude in making arrests, relying on exceptions to the requirement for arrest warrants for those in the act of committing a crime or for “urgent” cases. The length of detention without a pretrial hearing or formal charges is unpredictable, and access to family or a lawyer is not assured. There is a functioning bail system, but its implementation is arbitrary. A statute of limitations applies to most crimes. Alleged violations of security laws have led to lengthy pretrial detentions without charge and minimal due process protection of those detained. Reports indicated that some students, teachers, and their associates who had staged protests in 1999 remained in detention without trial at year’s end. These persons had peacefully advocated multiparty democracy and increased political freedom and had expressed hostility to the regime. Their detention without trial violates the 1-year statutory limit.

During the year, government authorities arrested and detained more than 95 Christians and their spiritual leaders, at times holding them in custody for months (see Section 2.c.) Those detained without trial at year’s end for their religious activities include: One person in Phongsaly; two persons in Luang Namtha; two persons in Vientiane Municipality; and four persons in Savannakhet (see Section 2.c.). Eight lowland Lao men who returned from China have been detained without trial since 1997 (see Section 2.c.).

Police sometimes administratively overrule court decisions, at times detaining a defendant exonerated by the court, in violation of the law (see Section 1.e.).

Three former government officials detained in 1990 for advocating a multiparty system and criticizing restrictions on political liberties were not tried until 1992. One died in prison since that time. That same year, the court finally tried and handed down life sentences to three men detained since 1975 for crimes allegedly committed during their tenure as officials of the previous regime. One of these persons reportedly has died in prison.

An estimated 100 to 200 persons, based on known cases, are in detention for suspicion of violations of national security. Most of these detainees are held without trial; one person has been detained since 1992.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary and the prosecutor’s office; however, senior government and party officials wield influence over the courts, although likely to a lesser degree than in the past. Some corrupt members of the judiciary appear to act with impunity, leading many observers to conclude that persons can bribe judges with money. The National Assembly Standing Committee appoints judges; the executive appoints the Standing Committee.

The People’s Courts have three levels: District; municipal and provincial; and a Supreme Court. Decisions of both the lower courts and separate military courts are subject to review by the Supreme Court.

The Constitution provides for open trials in which defendants have the right to defend themselves with the assistance of a lawyer or other person. The Constitution requires authorities to inform persons of their rights. The law states that defendants may have anyone represent them in preparing a written case and accompanying them at their trial, however, only the defendant may present oral arguments at a criminal trial. Due to lack of funds, most defendants do not have attorneys or trained representatives. Defendants enjoy a presumption of innocence; however, in practice lawyers face severe restrictions in criminal cases. Most trials are little more than direct examinations of the accused, although judges appear not to hold preconceived views of a trial’s outcome. Defendants sometimes are not permitted to testify on their own behalf. Trials for alleged violations of some security laws and trials that involve state secrets, children under the age of 16, or certain types of family law are closed.

Police sometimes administratively overrule court decisions, at times detaining a defendant exonerated by the court, in violation of the law.

There are four known political prisoners. Two prisoners from the pre-1975 regime, Colonel Sing Chanthakoumane and Major Pang Thong Chokbengvoun, are serving life sentences after trials that did not appear to be conducted according to international standards. Two former government officials, Latsami Khamphoui and Feng Sakchittaphong, were detained in 1990 for advocating a multiparty system and criticizing restrictions on political liberties, and were not tried until 1992. They are serving 14-year sentences based on their 1992 convictions.

Because some political prisoners may have been arrested, tried, and convicted under security laws that prevent public court trials, there is no reliable method to ascertain accurately their total number. There have been no verifiable reports of other political prisoners in the last few years. International humanitarian organizations are not permitted to visit political prisoners.

f. Arbitrary Interference With Privacy, Family,

Home, or Correspondence.—The Government limits citizens' privacy rights, and the Government's surveillance network is vast. Security laws allow the Government to monitor individuals' private communications (including e-mail) and movements. The Government increased these elements of state control again during the year, especially in areas involving safety and security problems. However, some personal freedoms accorded to citizens expanded along with the liberalization of the economy.

The Constitution prohibits unlawful searches and seizures; however, police at times disregarded constitutional requirements to safeguard citizens' privacy, especially in rural areas. By law security police may not authorize their own searches; they must have approval from a prosecutor or court. However, in practice police did not always obtain prior approval. The Penal Code generally protects privacy, including mail, telephone, and electronic correspondence. But as is the case with email monitoring, government security concerns prevail over such legal protections. In October the National Internet Control Committee promulgated highly restrictive regulations on Internet use (see Section 2.a.).

Ministry of Interior forces monitor citizens' activities; in addition a loose militia in both urban and rural areas has responsibility for maintaining public order and reporting "bad elements" to the police. Militia usually concern themselves more with petty crime and instances of moral turpitude than with political activism, although some rural militia may be used for security against insurgents. A sporadically active system of neighborhood and workplace committees plays a similar monitoring role.

The Government permits the public sale of few leading foreign magazines and newspapers; however, minimal restrictions on publications mailed from overseas are enforced only loosely (see Section 2.a.). The Government allows citizens to marry foreigners but only with its prior approval. Although the Government routinely grants permission, the process is lengthy and burdensome. Marriages to foreigners without government approval may be annulled, with both parties subject to fines.

The Government displaced internally hundreds of persons during the year, mainly as a result of organized infrastructure development programs. The Government provides compensation to displaced persons in the form of land and household supplies.

Credible sources reported flexibility by the Government toward the disposition of infrastructure-related and other government-planned resettlements. One hydropower project resettlement village opened during the year, funded by investors. However, some local administrators forced highlander groups to resettle in lowland areas to control their use of farming methods that destroy forest areas in the pursuit of increased food security.

There are two Internet service providers. In the second half of the year, the National Internet Control Committee in the Prime Minister's Office began a review of national telecommunications and Internet access procedures; it stated that it intends to monitor and control Internet communications more actively. Some Internet users reported that they received email warnings from the Government during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricts political speech and writing in practice. The Government also prohibits most criticism that it deems harmful to its reputation. The Penal Code forbids slandering the State, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the State. The Government showed limited tolerance of general criticisms of good governance or public service, and citizens who lodge legitimate complaints with government departments generally do not suffer reprisals. However, government concern about potential public violent displays of discontent over failed economic policies and concern over the series of terrorist bombings led to tighter control of the media. Newspapers did not report on investigations into the causes of any of the eight bombs that exploded in Vientiane from March through December. In July the Vientiane Times reported that officials had stated that the bombings were the result of business disputes or personal vendettas (see Section 1.c.).

All domestic print and electronic media are state-owned and controlled. Local news in all media reflects government policy. Television talk shows and opinion articles refer only to differences in administrative approach. However, translations of foreign press reports generally are without bias, and access to Thai radio and tele-

vision and foreign-based Internet servers is unhindered. Only a few other Asian and Western newspapers and magazines are available, through private outlets that have government permission to sell them.

Authorities also prohibited the dissemination of materials deemed to be indecent, to undermine the national culture, or to be politically sensitive. Films and music recordings produced in government studios must be submitted for official censorship. However, in practice most foreign media are easily available. Government enforcement of restrictions on nightclub entertainment generally was lax during the year.

Citizens have 24-hour access to Cable News Network and the British Broadcasting Corporation, among other international stations accessible via satellite television. The Government requires registration of receiving satellite dishes and a one-time licensing fee for their use, largely as a revenue-generating scheme, but otherwise makes no effort to restrict their use.

Foreign journalists must apply for special visas. Unfettered access to information sources and domestic travel unescorted by officials—hallmarks of a more liberal government attitude in previous years—declined during the year.

The Government controls all domestic Internet servers, blocks access to those World Wide Web sites that are deemed pornographic or are critical of government institutions and policies, and monitors e-mail. In October the National Internet Control Committee promulgated highly restrictive regulations on Internet use by citizens. The regulations significantly curtailed freedom of expression and made “disturbing the peace and happiness of the community and “reporting misleading news” criminal acts. However, the Government in the past has been limited in its ability to enforce such regulations.

The Constitution provides for academic freedom; however, the Government restricts it, although it has relaxed its restrictions in certain areas. Lao and Western academic professionals conducting research in Laos may be subject to restrictions on travel and access to information and Penal Code restrictions on publication. As the sole employer of virtually all academic professionals, the Government exercises some control over their ability to travel on research or study grants. However, the Government, which once limited foreign travel by professors, actively seeks out these opportunities worldwide and approves virtually all such proposals.

Credible reports indicate that some academically qualified ethnic minorities, including Hmong, are denied opportunities for foreign fellowships and study abroad based on the actions of some state and party officials whose discriminatory behavior goes unchecked. On rare occasions, the Government has denied government employees who were not party members permission to accept certain research or study grants, apparently because they had chosen not to join the LPRP.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government continues to restrict this right in practice. The Penal Code prohibits participation in an organization for the purpose of demonstrations, protest marches, or other acts that cause turmoil or social instability. Such acts are punishable by a prison term of from 1 to 5 years. If defendants are tried for political crimes against the State, they may face much longer sentences of up to 20 years or possible execution.

The Constitution provides citizens with the right to organize and join associations; however, the Government restricts this right in practice. The Government registers and controls all associations and prohibits associations that criticize it. Political groups other than mass front organizations approved by the LPRP are forbidden. Although the Government restricts many types of formal professional and social associations, in practice informal nonpolitical groups can meet without hindrance. Individuals who in 1997 formed the Foundation for Promoting Education, a private voluntary organization in Vientiane Municipality, were active during the year and awarded prizes for educational achievement and scholarships to needy students. The group is supported by private contributions and operates independently under its own charter; however, it reports to the Ministry of Education. The Buddhist Promotion Foundation is a semiprivate group founded in 1998 by the Lao Buddhist Fellowship Association, which reports to the National Front.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricts this right in practice. The Constitution prohibits “all acts of creating division of religion or creating division among the people.” The Party and Government appear to interpret this section narrowly, thus inhibiting religious practice by all persons, including the Buddhist majority and a large population of animists. Although official pronouncements accepted the existence of religion, they emphasized its potential to divide, distract, or destabilize.

The Constitution notes that the State “mobilizes and encourages” monks, novices, and priests of other religions to participate in activities “beneficial to the nation and

the people.” The Department of Religious Affairs in the LPRP Lao National Front for Construction, an LPRP mass organization, is responsible for overseeing all religions.

During the year, government authorities arrested and detained more than 95 Christians and their spiritual leaders, at times holding them in custody for months. In some isolated cases, prisoners were detained in prison with crude, one-leg, wood stocks or fixed hand manacles.

In the following provinces, prisoners are serving 2 to 3-year prison terms for peaceful religious activities found under the Penal Code to be creating social turmoil: In Attapeu (6 jailed); in Houaphan (3 jailed); in Luang Prabang (3 jailed); in Oudomxay (2 jailed). In Oudomxay 3 other persons arrested for proselytizing, purportedly in coordination with foreigners, were sentenced to 15-year (1 jailed) and 12-year sentences (2 jailed). The more severe sentences in Oudomxay were based on harsh Penal Code provisions for acts against the State.

In Savannakhet province, a renunciation and churchclosing campaign that was begun in 1999 by district authorities, supported by police, military forces, and representatives of the national front continued into the second half of the year. For the first time, churches of longer standing were targeted. Only about 10 churches—less than half—remained open at year's end. Most practitioners who found that their local churches had been closed were able to move their activities to new places of worship. As in late 1999, in a few villages in which churches had been recently closed, security forces mobilized on Sundays to stop all large vehicles that carried multiple passengers during Sunday worship hours. These actions expressly prevented villagers from traveling to other places to conduct worship services. In July in Vientiane province, the Government began a similar renunciation and churchclosing campaign that continued through year's end. District-level police, military, and national front authorities instructed Christians, especially Christians from the Khmu and Hmong ethnic groups, to renounce their faith or face arrest and imprisonment. Vientiane provincial authorities arbitrarily closed at least 1 dozen churches, including a church in a refugee returnee village agreed to at the time the village was established under U.N. High Commissioner for Refugees (UNHCR) auspices. In Vientiane province, authorities targeted both Protestant and Catholic congregations.

The Party controls the Buddhist clergy (Sangha) in an attempt to direct national culture. After 1975 the Government attempted to “reform” Buddhism and ceased to consider it the state religion, causing thousands of monks to flee abroad, where most still remain. The Government has only one semireligious holiday—Boun That Luang—also a major political and cultural celebration. However, the Government recognizes the popularity and cultural significance of Buddhist festivals, and many senior officials openly attend them. Buddhist clergy are featured prominently at important state and party functions. The Lao National Front directs the Lao Buddhist Fellowship Association, which adopted a new charter in April 1998. The Front continues to require monks to study Marxism-Leninism, to attend certain party meetings, and to combine with their teachings of Buddhism the party-state policies. In recent years, some individual temples have been permitted to receive support from Theravada Buddhist temples abroad, to expand the training of monks, and to focus more on traditional teachings.

The authorities continued to be suspicious of parts of the religious community other than Buddhism, including some Christian groups, in part because these faiths do not share a similarly high degree of direction and incorporation into the government structure as is the case with Theravada Buddhism. Authorities especially appear to suspect those religious groups that gain support from foreign sources, aggressively proselytize among the poor or uneducated, or give targeted assistance to converts. The Government strictly prohibits foreigners from proselytizing, although it permits foreign nongovernmental organizations with religious affiliations to work in the country. Foreign persons caught distributing religious material may be arrested or deported. Although there is no prohibition against proselytizing by citizens, there was increased local government investigation and harassment of citizens who do so under the constitutional provision against creating division of religion.

The Government's tolerance of religion varied by region. In general central government authorities appeared unable or unwilling to control or mitigate harsh measures that were taken by local or provincial authorities against the practices of members of minority religious denominations. Although there was almost complete freedom to worship among unregistered groups in a few areas, particularly in the largest cities, government authorities in many regions allowed properly registered religious groups to practice their faith only under circumscribed conditions. In other areas, such as Savannakhet, Luang Prabang, Phongsaly, Houaphanh, Oudomxay, and Attapeu, the authorities arrested and detained religious believers and their spiritual leaders without charges. In more isolated cases, provincial authorities in-

structed their officials to monitor and arrest persons who professed belief in Christianity, Islam, or the Baha'i faith. For example, there is clear evidence that in Luang Prabang, Savannakhet, and Vientiane provinces, the authorities continued to force some Christians to sign renunciations of their faith.

Citizens in Luang Prabang continued to report that local authorities ordered them to stop their open practice of Christianity completely, under threat of arrest. The order appeared to apply only to new converts; believers of long standing were allowed to continue their beliefs but not to conduct worship or practice their faith openly. Local officials monitored Christians closely to ensure that they did not practice their religion and harassed and arrested some Christians who violated these policies.

Although authorities generally tolerated diverse religious practices, in the southern Laos panhandle, a pattern of petty local harassment persists. Many converts must undergo a series of harsh government interviews; however, after overcoming that initial barrier, they generally are permitted to practice their new faith unhindered. Members of longestablished congregations had few problems in practicing their faith; however, some churches established a century ago continued to be subjected to harassment by local government officials in Savannakhet. Many groups of coreligionists seeking to assemble in a new location are thwarted in attempts to meet, practice, or celebrate major religious festivals.

Some minority religious groups report that they were unable during the year to register new congregations or receive permission to establish new places of worship, including in Vientiane. Authorities sometimes advised new branches to join other religious groups with similar historical roots, despite clear differences between the groups' beliefs. Some groups did not submit applications to establish places of worship because they did not believe that their applications would be approved.

The Roman Catholic Church is unable to operate effectively in the highlands and much of the north. However, it has an established presence in five of the most populous central and southern provinces, where Catholics are able to worship openly. There are three bishops: In Vientiane, Thakhek, and Pakse. The status of the Catholic Church in Luang Prabang center remains in doubt; there appears to be a congregation there but due to local obstructionism, worship services may not always be conducted readily.

Over 250 Protestant congregations conduct services throughout the country. The Lao National Front has recognized two Protestant groups, the Lao Evangelical Church, the umbrella Protestant church, and the Seventh Day Adventist Church. The Front strongly encourages all other Protestant groups to become a part of the Lao Evangelical Church. The Government has granted permission to these approved denominations to have a total of four church buildings in the Vientiane area. In addition the Lao Evangelical Church has maintained church buildings in Savannakhet and Pakse.

The Government permits major religious festivals of all established congregations without hindrance. Two mosques and two Baha'i centers operate openly in Vientiane municipality; two other Baha'i centers are located in Vientiane province and Pakse. Five Mahayana Buddhist pagodas are located in Vientiane, and others are found in larger cities and towns.

Animists generally experience no interference by the Government in their religious practices, which vary extensively among the 48 to 69 identified ethnic groups and tribes in the country.

The Government does not permit the printing of religious texts or their distribution outside a congregation and restricts the import of foreign religious texts and artifacts. The Government requires and grants routinely its permission for formal links with coreligionists in other countries; however, in practice the line between formal and informal links is blurred, and relations generally are established without much difficulty.

d. Freedom of Movement Within the Country, Foreign Travel, Migration, and Repatriation.—The Constitution provides for these rights; however, the Government restricted some of these rights in practice. Citizens who travel across provincial borders are required to report to authorities upon their departure and arrival. In designated security zones, roadblocks and identity card checks are routine. Citizens who seek to travel abroad are required to apply for an exit visa; however, the Government grants such visas routinely. Foreigners are restricted from traveling to certain areas such as the Saysomboune Special Zone, an administrative area operated by the military forces, for safety and security reasons.

During the year, security forces in at least one province set up roadblocks during Sunday worship hours, which prevented villagers from traveling to participate in religious worship services (see Section 2.c.).

Fear of insurgent attacks on civilians in vehicles traveling in the north-central areas impedes travel, especially along parts of Route 13, Route 7, and Route 1. Bandits operate in the same area (see Section 1.a.). The Government attempts to ensure safety on these roads.

Citizens are free to emigrate; exit visas are required, and the Government grants these routinely.

Since 1980 more than 29,060 citizens who sought refugee status in Thailand, China, and other countries have returned to Laos for permanent resettlement under monitoring by the UNHCR. There were no new returnees during the year. The Government cooperates with the UNHCR to assist such returnees to reintegrate. Most are ethnic Hmong and other minorities. These returnees generally have been treated the same as other citizens.

The Constitution provides for asylum and the protection of stateless persons under the law, but in practice, the Government does not provide first asylum. There were no known cases during the year of asylum seekers being returned to a country where they feared persecution.

The Government has a longstanding policy of welcoming back virtually all those among the 10 percent of the population who fled after the change in government in 1975. Many have visited relatives, some have stayed and gained foreign resident status, and some have reclaimed citizenship successfully. A small group, tried in absentia in 1975 for antigovernment activities, does not have the right of return.

Eight Lowland Lao men who returned from China have been detained without trial since 1997, which is beyond the limit for investigative detention (see Section 1.d.).

Some refugee returnees carry identification cards with distinctive markings, ostensibly for use by authorities. Such cards tend to reinforce a pattern of societal discrimination against the refugees. Authorities increasingly harassed religious minorities in refugee returnee villages, and local officials closed a Christian church in one such village. The Government had permitted use of the church building at the time that the refugees returned (see Section 2.c.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The Constitution legitimizes only a single party, the Lao People's Revolutionary Party, which must approve all candidates for local and national elections. Candidates need not be LPRP members.

The Constitution provides for a 99-member National Assembly, elected every 5 years in open, multiple-candidate, fairly tabulated elections, with voting by secret ballot and universal adult suffrage. The National Assembly chooses a standing committee apparently based on the previous standing committee's decision. Upon the committee's recommendation, the National Assembly elects or removes the President and Vice President. The standing committee also has powers over elections (including approval of candidates), supervision of administrative and judicial organizations, and the sole power to recommend presidential decrees. Activities of the standing committee are not fully transparent.

The National Assembly, upon the President's recommendation, elects the Prime Minister and other Ministers in the Government.

The National Assembly may consider and amend draft legislation but may not propose new laws. The Constitution gives the right to submit draft legislation to the National Assembly standing committee and the ruling executive structure.

Women are underrepresented in government and politics; however, women increased their representation in the National Assembly in 1997 elections from 9 percent to 20 percent, as 20 of the 27 female candidates won seats. Four members of the 48-member LPRP Central Committee are women, 2 of whom are also members of the 7-member standing committee in the National Assembly. There are no women in the Politburo or the Council of Ministers.

The proportions of ethnic minority members in the 99-member National Assembly: 10 Lao Soung (highland tribes) and 26 Lao Theung (midslope dwelling tribes) are consistent with their proportions in the general population. There are 10 Hmong in the National Assembly. Men of lowland Lao origin dominate the upper echelons of the Party and the Government. Nonetheless, the President, 2 Deputy Prime Ministers, 3 Ministers, and 36 members of the National Assembly are believed to be members of ethnic minority groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no domestic nongovernmental human rights organizations, and the Government does not have a formal procedure for registration. Any organization wishing to investigate and publicly criticize the Government's human rights policies would face serious obstacles if it were permitted to operate at all. The Government cooperates on an uneven basis with international human rights organizations.

A human rights unit in the Ministry of Foreign Affairs' (MFA's) Department of International Treaties and Legal Affairs has responsibility for inquiry into allegations of human rights violations. This government unit rarely responds to inquiries regarding individual cases, but early in the year published in Lao language a partial compilation of international conventions on human rights.

In 1998, at the invitation of the Government, the U.N. Special Rapporteur on Trafficking in Children visited various locations and made inquiries into possible incidents of child prostitution and child pornography.

The Government maintains contacts with the International Committee of the Red Cross (ICRC); government officials received ICRC training on human rights law in 1998, and the Government is translating more international conventions with ICRC support. The Government permitted U.N. human rights observers to monitor the treatment of almost 30,000 returned refugees in all parts of the country with minimal interference; however, it occasionally obstructs monitoring so that it cannot be conducted in accordance with international standards.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law for all citizens without regard to sex, social status, education, faith, or ethnicity. Although the Government sometimes has taken action when well-documented and obvious cases of discrimination came to the attention of high-level officials, the legal mechanism whereby a citizen may bring charges of discrimination against an individual or organization is neither widely developed nor widely understood among the general population.

Women.—There are reports that domestic violence against women occurs, although it is not widespread. Sexual harassment and rape reportedly are rare. In cases of rape that are tried in court, defendants generally are convicted.

Trafficking in women is a problem (see Section 6.f.).

The Constitution provides for equal rights for women, and the Lao Women's Union operates nationally to promote the position of women in society. Discrimination against women is not generalized; however, varying degrees of traditional culturally based discrimination persist, with greater discrimination practiced by some hill tribes. Many women occupy responsible positions in the civil service and private business, and in urban areas their incomes are often higher than those of men. The Family Code prohibits legal discrimination in marriage and inheritance.

In the period from 1997 through 2000, the Government increased support for the position of women in society in development programs, some of which are designed to increase the participation of women in the political system.

Children.—The level of support for education is exceedingly low. Government funding to provide fully for children's basic health and educational needs is inadequate. Education is compulsory through the fifth grade, but children from rural areas and poor urban families rarely comply with this requirement. There is a significant difference in the treatment of boys and girls in the educational system: Female literacy is 48 percent versus 70 percent for males. However, men and women attend the three universities in approximately equal numbers. Violence against children is prohibited by law, and violators are subject to stiff punishments. Reports of the physical abuse of children are rare. Trafficking in women and children is a problem (see Section 6.f.).

People with Disabilities.—With donor assistance, the Government is implementing limited programs for the disabled, especially amputees. The law does not mandate accessibility to buildings or government services for disabled persons, but the Labor and Social Welfare Ministry began to establish regulations on building access and some sidewalk ramps in Vientiane during the year. The Lao National Commission for the Disabled (LNCD) is formulating a new draft law and other policies regarding the disabled, and the Lao Disabled Persons Association set up offices in Champassak and Xieng Khouang provinces to assist with rehabilitation, job skills training, and social integration of the disabled. The LNCD also hosted a regional conference on disabilities in Vientiane in November to promote leadership and organizational skills for disabled persons.

Religious Minorities.—The enhanced status given to Buddhism in Luang Prabang—famed for its centuries-old Buddhist tradition and numerous temples—apparently led some local officials there to act more harshly toward minority religions, particularly toward Christians and Baha'is, than in other areas of the country (see Section 2.c.).

National/Racial/Ethnic Minorities.—The Constitution provides for equal rights for citizens of all minorities, and there is no legal discrimination against them. However, societal discrimination persists.

Approximately half the population is ethnic Lao, also called "lowland Lao." Most of the remainder is a mixture of diverse upland hill tribes whose members, if born in Laos, are Lao citizens. There are also ethnic Vietnamese and Chinese minorities, particularly in the towns. There is a small community of South Asian origin. The implementation in 1994 of the 1990 Law on Nationality provided a means for Vietnamese and Chinese minorities to normalize their Lao citizenship; a small number did so during the year. The Government encourages the preservation of minority cultures and traditions; however, due to their remote location and difficult access, minority tribes have little voice in government decisions affecting their lands and the allocation of natural resources.

The Hmong are one of the largest and most prominent highland minority groups. Societal discrimination against the Hmong continues, although there are a number of Hmong officials in the senior ranks of the Government. In recent years, the Government focused some limited assistance projects in Hmong areas in order to overcome disparities in income along regional and ethnic lines. Some international observers claim that governmental policies aimed at assimilating the Hmong into larger societies such as regional boarding schools—are not respectful of Hmong native culture; others see this approach as an escape from centuries of poverty.

In the intensified Hmong insurgency in the north, government forces beat Hmong insurgents and treated them harshly in some Hmong villages (see Sections 1.a. and 1.c.). In an unconfirmed report, a foreign newspaper in December recounted an alleged government soldier's account that security forces had shot to death a number of young Hmong men in Saysomboune Special Zone during the year.

During the year, the Government continued to assist citizens, largely members of ethnic minorities, who returned to Laos after having fled in 1975. Central and local government officials worked with organizations such as the UNHCR to provide land and a sustainable level of economic security. Repatriated Hmong generally face no greater discrimination than those Hmong who remained. A number of Hmong returnees were forced to renounce their Christian faith, and one church in a returnee village was closed by authorities. Two U.N. observers who monitored repatriation efforts reported no significant human rights violations.

Under the Constitution, aliens and stateless foreign citizens are protected by "provisions of the laws" but do not in practice enjoy rights provided for by the Constitution. During the year, there were isolated cases of persons of Lao ethnic background who, as citizens of other nations, suffered discrimination when arrested or detained and were denied due process, apparently on the basis of their Lao ethnic background.

Section 6. Worker Rights

a. The Right of Association.—Under the 1990 Labor Code and a 1995 prime ministerial decree, labor unions can be formed in private enterprises as long as they operate within the framework of the officially sanctioned Federation of Lao Trade Unions (FLTU), which in turn is controlled by the LPRP. Most of the FLTU's 77,057 members work in the public sector.

The State employs the majority of salaried workers, although this situation is changing as the Government reduces the number of its employees and privatizes state enterprises. Subsistence farmers comprise an estimated 85 percent of the work force.

Strikes are not prohibited by law, but the Government's ban on subversive activities or destabilizing demonstrations (see Section 2.b.) makes a strike unlikely, and none were reported during the year. However, the Labor Code does not prohibit temporary work stoppages.

With advice from the International Labor Organization (ILO), including a foreign expert provided by the ILO to work with the Ministry of Labor and Social Welfare, the Government in 1994 revised the Labor Code in an effort to clarify the rights and obligations of workers and employers. However, the ILO Committee of Experts cited the Government for its failure to submit reports required of member states.

The FLTU is free to engage in contacts with foreign labor organizations, which during the year included the Association of Southeast Asian Nations (ASEAN)

Trade Union and the Asia-Pacific American Labor Alliance. The FLTU is a member of the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—There is no right to organize and bargain collectively. The Labor Code stipulates that disputes be resolved through workplace committees composed of employers, representatives of the local labor union, and representatives of the FLTU, with final authority residing in the Ministry of Labor and Social Welfare. Labor disputes are infrequent. The Government sets wages and salaries for government employees, while management sets wages and salaries for private business employees.

The Labor Code stipulates that employers may not fire employees for conducting trade union activities, for lodging complaints against employers about labor law implementation, or for cooperating with officials on labor law implementation and labor disputes. Workplace committees are one mechanism used for resolving complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced labor except in time of war or national disaster, during which the State may conscript laborers; however, trafficking in women and children is a problem (see Section 6.f.). The Code also applies to children under the age of 15, and generally is enforced effectively; however, reports that children are being lured into other countries for sexual exploitation and slave labor continued, and increased over the previous year (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age.—for Employment

Under the Labor Code, children under the age of 15 may not be recruited for employment. However, many children help their families on farms or in shops. The Labor Code accordingly provides that children may work for their families, provided that such children are not engaged in dangerous or difficult work. Such employment of children is common in urban shops, but rare in industrial enterprises. The Ministries of Interior and Justice are responsible for enforcing these provisions, but enforcement is ineffective due to a lack of inspectors and other resources. Education is compulsory through the fifth grade, but this requirement rarely is observed in the rural areas or among the urban poor. Some garment factories reportedly employ a very small number of underage girls. The Labor Code prohibits forced and bonded labor performed by children under age 15, and the law generally is enforced effectively; however, there were reports that children were lured into sexual exploitation and slavery abroad (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Labor Code provides for a broad range of worker entitlements, including a workweek limited to 48 hours (36 hours for employment in dangerous activities), safe working conditions, and higher compensation for dangerous work. The Code also provides for at least 1 day of rest per week. Employers are responsible for all expenses for a worker injured or killed on the job, a requirement generally fulfilled by employers in the formal economic sector. A section of the Labor Code mandates extensive employer responsibility for those disabled while at work. During the year, this law was enforced adequately. The daily minimum wage is \$0.53 (4,000 kip), which is insufficient to provide a decent standard of living for a worker and family. Most civil servants receive inadequate pay. However, few families in the wage economy depend on only one member for income. Some piecework employees, especially on construction sites, earn less than the minimum wage. Many persons are illegal immigrants, particularly from Vietnam, and are more vulnerable to exploitation by employers. Although workplace inspections reportedly have increased, the Ministry of Labor and Social Welfare lacks the personnel and budgetary resources to enforce the Labor Code effectively. The Labor Code has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment.

f. Trafficking in Persons.—The Penal Code prohibits abduction and trade in persons as well as the constraint, procuring, and prostitution of persons; however, trafficking in women and children is a problem. Laos is a source and transit country for trafficking in persons. The Government only recently has focused on the trafficking of persons across its borders. Although there is no reliable data available on the scope and severity of the problem, there are indications that the numbers are considerable. The Government has increased monitoring and educational programs provided by the Lao Women's Union and the Youth Union, both party-sanctioned organizations, designed to educate girls and young women about the schemes of recruiters for brothels and sweatshops in neighboring countries and elsewhere. In the past, the Government has prosecuted some persons for involvement in such recruiting activities. Recent evidence indicates an increase in arrests for procuring; however, this may not reflect a genuine government effort to address the problem. Dur-

ing the year, law enforcement agencies conducted a minimal number of raids on entertainment establishments accused of fostering prostitution.

The Government remains concerned about Lao children being lured into sexual exploitation and slave labor in other countries, but the Government denied that there were any problems in the country that involve child prostitution. The National Commission for Mothers and Children, established in 1992 and chaired by the Foreign Minister, continues an active program with support from the U.N. Children's Fund. The Commission, working with the Lao Women's Union, Youth Union, Justice Ministry, and Labor Ministry, has conducted workshops around the country designed to make parents and teenagers aware of the dangers of HIV. At the Government's invitation, the U.N. Special Rapporteur on Trafficking in Children visited in 1998 (see Section 4).

MALAYSIA

Malaysia is a federation of 13 states and 3 federal territories with a parliamentary system of government based on periodic multiparty elections in which the ruling National Front coalition has held power for more than 40 years. Opposition parties actively contest elections, but face significant obstacles in competing with the long-entrenched ruling coalition. However, in the November 1999 elections, opposition parties won roughly 25 percent of the seats in the Federal Parliament, and an opposition party also retained control of one state government and gained control of another. The Constitution provides for an independent judiciary; however, government action, constitutional amendments, legislation, and other factors undermine judicial independence and strengthen executive influence over the judiciary. The impartiality of the judiciary continued to be a concern during the year, although the December appointments of a highly regarded new Chief Justice and Attorney General were viewed with optimism by most observers.

The Royal Malaysian Police have primary responsibility for internal security matters. The police report to and are under the effective control of the Home Minister. Some members of the police committed human rights abuses.

Malaysia is an advanced developing country with an estimated per capita gross domestic product of \$3,640 and an unemployment rate of 3.0 percent. Following nearly a decade of strong economic growth averaging over 8 percent annually, it was hit hard by the 1997 regional financial and economic crisis. After contracting by 7.5 percent in 1998, the economy began to recover in 1999, during which it posted a 5.8 percent growth rate. Analysts predicted a 7 to 8 percent growth for the year. During 1998 the Government adopted stimulative fiscal and monetary policies to promote economic recovery and established institutions to recapitalize distressed financial institutions and to remove nonperforming loans from the banking system. It also enacted selected capital controls to eliminate offshore trading in the local currency (ringgit) and to insulate the domestic economy from the effects of short-term, speculative capital flows. The Government takes an active role in the development of the export-oriented economy. Manufacturing accounts for 30.0 percent of GDP, services for 54.3 percent, agriculture for 9.4 percent, construction for 3.6 percent, and mining for 7.2 percent. Principal manufactured products include semiconductors, consumer electronics, electrical products, textiles, and apparel. Palm oil exports and production of natural rubber, cocoa, and tropical timber also are significant.

The Government generally respected its citizens' rights in some areas; however, its record was poor in a number of other areas, and significant problems remain. Police committed a number of extrajudicial killings; however, authorities prosecuted the perpetrators in some of these cases. Police on occasion tortured, beat, or otherwise abused prisoners, detainees, and demonstrators. The former chief of police was sentenced to 2 months imprisonment for having beaten the handcuffed and blindfolded former Deputy Prime Minister Anwar Ibrahim in 1998. In 1999, an Inter-Parliamentary Union (IPU) delegation found that prison conditions were not in accord with international norms; the Government subsequently took some steps to improve prison conditions. Conditions in the detention facilities of illegal aliens continued to pose a threat to life and health, although marginal improvements in food and water rations were reported. The trial of a prominent human rights activist on charges arising from her criticisms of such conditions continued. Police continued to use several statutes to arrest and detain many persons without charge or trial. Prolonged pretrial detention is a serious problem. Detained criminal suspects often were denied access to legal counsel prior to being charged formally. Many observers expressed serious doubts about the independence and impartiality of the judiciary, es-

pecially in high-profile cases. Former Deputy Prime Minister Anwar was charged with corruption in 1998 for political reasons, and was convicted and sentenced to 6 years in prison in April 1999. In August he was convicted of sodomy and sentenced to 9 years, to be served consecutively with the earlier 6-year sentence. Improper conduct by the police and prosecutors, along with many questionable rulings by the judge, denied Anwar a fair opportunity to defend himself. Anwar remained in prison at year's end, but he was transferred to a hospital in December to receive treatment for a slipped disk in his back. Politically motivated, selective prosecution continued to be a concern during the year. The courts continued to defy most of a 1999 International Court of Justice (ICJ) ruling that a U.N. Special Rapporteur was immune from several libel suits. Authorities infringed on citizens' privacy rights in some instances.

Government restrictions, pressure, and intimidation led to a high degree of press self-censorship. The Government raided newsstands that sold an opposition party newspaper, limited its publication, and refused to renew the publication permits of several other political weeklies. Independent on-line newspapers operated without government interference. In 1999 a U.N. Special Rapporteur reported that the Government systematically curtailed freedom of expression. The Government did not respond to the report by year's end. Proliferating slander and libel suits threatened to stifle freedom of speech. The Government placed some restrictions on freedom of assembly and some peaceful gatherings. The Government continues to restrict significantly freedom of association. The Government continued to prohibit students from participating in some political activities. The Government places some restrictions on religious freedom, in particular the right of Muslims to practice teachings other than Sunni Islam. In addition the right of Muslims to change their religion was hindered by many practical obstacles. The Government continued to impose some restrictions on freedom of movement. Government policies create significant restrictions on opposition parties' ability to compete effectively with the ruling coalition. The Election Commission's lack of independence impedes it from effectively enforcing election results and monitoring elections. The Government continued to criticize harshly human rights NGO's, but also met with several such groups during the year. The Government established a National Human Rights Commission in April. Despite some limitations on its scope, the Commission established several human rights working groups, publicly supported the right of peaceful assembly in certain instances, and in December opened a public inquiry into alleged police misconduct during a November 5 opposition gathering. Despite government efforts, societal violence and discrimination against women remain problems. Sexual abuse of children is a problem, although it is punished severely. Indigenous people face discrimination and often are exploited, especially in regard to land issues. Longstanding policies give preferences to ethnic Malays in many areas, and ethnic minorities face discrimination. Some restrictions on worker rights persist. Child labor persists, although the Government has taken vigorous action against it. The country is a source, transit, and destination country for trafficking in women and girls for the purpose of forced prostitution.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, police committed a number of extrajudicial killings. Police leadership continued efforts to curb such abuses during the year, including by inviting the U.N. Human Rights Commission to provide human rights training to police officers.

At year's end, the press reported that the police had killed 49 persons (in 27 separate incidents) during the course of apprehension. Press accounts suggested that police conduct was appropriate in a number of these incidents; however, several cases raised concerns.

In January 1999, the Bar Council called on the police to implement a standard procedure to investigate every lethal shooting by police; however, the police did not implement such a procedure. By year's end the Government had not formed an independent commission to investigate police killings, as was recommended by a group of 119 domestic NGO's in February 1999. In October 1999, the Deputy Home Minister informed Parliament that police had shot and killed 387 persons over the past 5 years.

In April police shot and killed three suspected robbers in waters off Sabah state during an antipiracy campaign. In August police shot and killed three men in Sabah whom police suspected were on their way to commit a robbery. Also in August, police shot and killed a suspected arsonist who reportedly attacked them with a knife. In several incidents throughout the year, police shot and killed individuals who they

claimed had "run amok" and threatened bystanders. At year's end, the results of any police internal investigations into these and other incidents of police extrajudicial killings during the year were not available.

A Human Rights Watch report issued in August on the status of Burmese Rohingya illegal immigrants in the country documented allegations of deaths during the 1990's in illegal immigrant detention camps due to beatings and inhuman conditions such as inadequate food and medical care (see Sections 1.c. and 2.d.). The conditions in the camps remained a cause for concern; however, there were no reports of similar deaths during the year.

There were developments in several cases of extrajudicial killings from previous years. The case of a policeman charged in 1999 with culpable homicide not amounting to murder for shooting a doctor seated in his car went to trial. In December the policeman was sentenced to 8 years in prison by the sessions court for causing the death of the person. The policeman has appealed the decision to the High Court. In August a coroner ruled that four police officers and one civilian were culpable in the 1995 death of a youth in police custody. A negligence suit against the police regarding the death of a couple shot by police in 1998 in connection with the alleged kidnapping of the son of a state chief minister was to be heard in November, but it was postponed to a future date that had not been determined by year's end. In July testimony during a coroner's inquiry indicated that six men who were killed by police in a 1998 incident had been shot in the head at close range. In April the police announced that an inquiry would be made into the case of a 21-year-old who died in police custody in 1999. In May a woman filed suit against police for the death of her husband in police custody in 1999 and said publicly that her husband's death might be linked to his involvement with the opposition National Justice Party. A domestic worker who sued the government and the then-Inspector General of Police in 1992 over the death of her son in police custody in 1990 was awarded a judgment of just over \$10,000 (40,000 ringgit). In May two policemen convicted of injuring an Indonesian illegal immigrant who later died in police custody were sentenced to 3 years in prison.

In June Acehese leader Teauku Don Zulfari, exiled from Indonesia, was shot and killed in a Kuala Lumpur restaurant. The press speculated that the assailants were either gangsters or political rivals from Aceh.

b. Disappearance.—There were no reports of politically motivated disappearances. In late April, members of the Filipino terrorist group Abu Sayyaf attacked a diving resort on the island of Sipadan, seizing several hostages of various nationalities. The group released all of the hostages but one, a Filipino national, who was being held in the Philippines at year's end.

In early September, four armed Abu Sayyaf rebels kidnapped three Malaysian hostages at the Pasir Dive Resort on Pulau Pandanan in Sabah state. All three hostages had been released at year's end.

In both instances, the Government made attempts to retrieve hostages and prevent further attacks.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—No constitutional provision or law specifically prohibits torture, although laws that prohibit "committing grievous hurt" encompass torture; however, at times some police tortured, beat, and otherwise abused prisoners, detainees, and other citizens. The authorities investigated some police and other officials for such abuses; however, the Government does not release routinely information on the results of investigations, and whether those responsible are punished is not always known.

Police sometimes abuse detainees. There were several press reports of persons who alleged police torture or cruel, inhuman, or degrading treatment while in custody. For example, in April a 16-year-old schoolboy sued the police, alleging that he was tortured after a February arrest in connection with an arson case. In October a suspected robber claimed that police had shot him in the eye during an interrogation. He reportedly then was ordered to tell doctors that he had been in an accident. In November a man claimed that police had squeezed his genitals with pliers in order to make him confe TD0 ld sc polic2TD0.7n cants we unordes investigctiothat

In March former Inspector General of Police Tan Sri Rahim Noor was sentenced to 2 months in jail and ordered to pay the maximum fine of about \$525 (2,000 ringgit) for "causing hurt" after pleading guilty to beating former Deputy Prime Minister Anwar Ibrahim in 1998 while Anwar was blindfolded and handcuffed in police custody. The beating badly bruised Anwar's face, neck, and arms, and reportedly temporarily left him with impaired balance and unclear vision. Rahim said that Anwar had provoked him. Charges of attempted assault were reduced as part of a plea bargain. Rahim paid the fine, but his lawyers immediately appealed the sentence, and he remained on bail. The prosecution appealed the sentence, which it termed inadequate. In June a hearing of Rahim's appeal was postponed until September after his lawyers claimed that Rahim was ill. In September the court again

tember;

Rahim's fine was waived, but a 2-month jail sentence was upheld. Rahim's lawyer's appealed the sentence to the Federal Court. Rahim will lose his pension if the sentence is not overturned.

Inquiry after a police internal investigation established that police had been responsible for the beating of Anwar, but failed to identify a culprit. The Commission found no members of the police besides Rahim culpable or complicit in the beating of Anwar or in the subsequent cover-up. In April 1999, the Malaysian Bar Council expressed concern that the Royal Commission had recommended that no action be taken against senior police officers who failed to report or arrest Rahim after the beating. Anwar's supporters continued to call on the Prime Minister, who oversaw the police as the Home Minister at the time of Anwar's arrest, to take responsibility for Anwar's beating. The Prime Minister had not responded by year's end.

chological pressures and threats of physical coercion had been used in previous years to obtain confessions in the politically sensitive trials of former Deputy Prime Minister Anwar Ibrahim. In July the case against fashion designer Mior Abe (TjT*0.1775 Tw(Razak binTYahya for it would look into the allegations. Opposition activist Tian Chua claimed that police

courthouse where Anwar Ibrahim was convicted and sentenced to 6 months in jail

case before the commission and announced that he intended to sue the Government. Loggi's companions reportedly used police force and intimidation to appropriate land from indigenous Iban and Penan communities in Sarawak (see Section 5).

Criminal law prescribes as an additional punishment to imprisonment for those convicted of some nonviolent crimes such as narcotics possession, criminal breach of trust, and alien smuggling. Judges routinely include in sentences of those convicted of such crimes as kidnapping, rape, and robbery. Some state Islamic laws, which bind only Muslims (see Section 1.e.), also prescribe caning. The caning, which is carried out with a 1-inch-thick wooden cane, commonly causes welts, and it sometimes causes scars. Male criminals age 50 and above and women are exempted from caning. According to the provisions of the Child Act passed in December, male children may be given up to 10 strokes of a "light cane" (see Section 5).

Prison conditions are poor. The authorities in 1999 announced that changes would be made concerning prison conditions, in the wake of a 1999 report by the IPU on the treatment in prison of then political prisoner Lim Guan Eng. The report found that the conditions of Lim's imprisonment did not comply with the U.N. Standard Minimum Rules (Treatment of Prisoners) and the U.N. Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment. The report cited portions of the Minimum Rules that concern light, ventilation, and proper bedding, and Principle 6 of the Body of Principles, which prohibits torture or cruel, inhuman, or degrading treatment. However, the delegation that drafted this report did not visit Lim in prison, and therefore was unable to make direct observations. The Government stated that Lim was detained under the same conditions as other prisoners and in accordance with the colonial-era 1952 Prison Rules and the 1995 Prisons Act, which, the Government contended, met the standards of the U.N. Minimum Rules.

Deputy Home Minister Ong Ka Ting told Parliament in 1999 that the Government had completed a review of prison rules and made amendments that would improve the management of prisoners. Ong said that the amendments would be promulgated after their approval by the Attorney General. Deputy Prime Minister Abdullah Badawai announced in April that the Government had spent over \$250,000 (1 million ringgit) during the year to provide every prisoner with a mattress, although this had not been confirmed by independent monitors by year's end. In August prison officials announced that a number of current prison rules would be reviewed. Officials stated that these changes would include allowing female prisoners to keep children with them until age 4 instead of the current restriction to age 3 and expanding visiting privileges.

Prison overcrowding is a serious problem. In 1999 the Director General of Prisons said that the country's 35 prisons held 27,400 prisoners; total designed capacity is 20,000. In March the Deputy Home Minister announced that eight more prisons, two juvenile reform schools, and a moral rehabilitation center would be built by 2005. "Security" prisoners (see Section 1.d.) were detained in a separate detention center.

Credible reports by former prisoners indicated that guards at some prisons regularly beat prisoners convicted of criminal offenses.

NGO's and former detainees have made credible allegations of inadequate food, poor medical care and sanitation, and abuse by guards in government camps for illegal immigrants. Conditions are considered to have improved with increased food and water rations, and vitamin B shots for detainees suffering from beri-beri. A Human Rights Watch report issued in August on the status of Burmese Rohingya illegal immigrants in the country documented allegations of deaths in the camps due to beatings and inhuman conditions during the 1990's (see Sections 1.a. and 2.d.). There were no reports of similar deaths during the year. In July 1999, after 3 days without adequate supplies of water, 192 illegal aliens escaped from the Lenggeng detention center. Testimony during the ongoing trial of nongovernmental organization (NGO) activist Irene Fernandez (see Section 2.a.) described inhuman conditions at illegal alien detention camps from 1993 to 1995. Former detainees from this period testified during the trial that they had been kicked, beaten with sticks and rubber hoses by camp policemen, refused medical treatment for their injuries, and subjected to severe punishments, including sexual abuse. Some physical abuse still occurs in the camps.

The law provides that young boys and girls in remand (judicially approved detention) may be placed in prison. The local press reported in September that children as young as 10 years old were held in prisons for offenses such as petty theft or involvement in school fights. Although kept in a separate cell block, they reportedly mingled with adult prisoners during communal activities. The Prisons Department acknowledged that more than 200 juveniles between 14 and 21 years of age were being held in prisons, in particular at Sungai Buloh. A prison official claimed that the juvenile prisoners, 82 percent of whom were waiting for their cases to be heard, are kept separately from adult prisoners at all times. In September the Government identified 2,061 juveniles held in 26 prisons throughout the country. The Minister in the Prime Minister's Office responsible for legal affairs said that he would review the rules governing custody of juveniles, claiming that the law did not provide for such imprisonment of minors. According to press reports in November, officials from the National Unity and Social Development Ministry expressed surprise that juvenile offenders still were being sent to prison, despite plans to relocate them to separate facilities.

The Government has an agreement with the International Committee of the Red Cross (ICRC) that permits visits to certain categories of prisoners. The Government has not blocked or denied such visits. However, the ICRC did not visit prisons dur-

ing the year. In August an ICRC representative arrived to open a regional facility in the country, but he had not received accreditation from the Government. Other NGO's and the media generally are not permitted to monitor prison conditions. Access to illegal alien detention camps is restricted.

d. Arbitrary Arrest, Detention, or Exile.—Police continued to use several statutes to arrest and detain many persons without charge or trial. Suspects in some crimes (called "seizable offenses") may be arrested without warrants; suspects in other crimes ("nonseizable offenses") may be arrested only based on a warrant from a magistrate. Crimes characterized as bailable offenses permit suspects to present bail at the police station according to a schedule. Bail is not available for nonbailable offenses and sometimes also is denied in other circumstances, for example, great risk of flight. Police may hold suspects for 24 hours without charge. Police may request a magistrate to extend the period of remand without charge for up to 2 weeks. After this extension, the police, if they wish to hold the suspect, must charge him and seek an order of detention from a magistrate. In some cases, police have released suspects under remand and quickly rearrested them on new but similar charges. However, in general police practice is in accord with legal provisions concerning detention.

Police may deny prisoners under remand access to legal counsel and routinely they do so. During this period of remand, police also may question suspects without giving them access to counsel. Police justify this practice as necessary to prevent interference in ongoing investigations. Judicial decisions have upheld this practice. Defendants' advocates claimed that the lack of access to counsel seriously weakened defendants' legal rights.

Crowded, understaffed courts and the legal safeguards and appeals available to the accused often result in lengthy pretrial detention, sometimes lasting several years. In 1998 the Prison's Director General stated that roughly half of the prison population consisted of prisoners who had not yet been sentenced. Most such prisoners either have been convicted and are awaiting sentence or are in the midst of their trials. In April a government minister acknowledged that a prisoner had been held for more than 8 years pending trial.

Three laws permit the Government to detain suspects without judicial review or the filing of formal charges: the 1960 Internal Security Act (ISA); the 1969 Emergency (Public Order and Prevention of Crime) Ordinance, and the 1985 Dangerous Drugs Act (Special Preventive Measures). Enacted more than 40 years ago when there was an active Communist insurgency, the ISA empowers the police to hold for up to 60 days any person who may act "in a manner prejudicial to the security of Malaysia." The Home Minister may authorize further detention for periods of up to 2 years. Those released before the end of their detention period are subject to "imposed restricted conditions" for the remainder of their detention periods. These conditions limited their rights to freedom of speech, association, and travel outside the country.

According to the Government, the goal of the ISA is to control internal subversion. According to a prominent local human rights NGO, as of November 30, there had been 76 detentions under the ISA during the year. In addition, according to the NGO's statistics through June, 836 persons had been detained under the Dangerous Drug Act and, as of August 31, 418 persons were being detained under the Emergency Ordinance.

The ISA often is used against what the Government considers nonpolitical crimes, including those against ostensibly "deviant" Muslim groups. The Government states that deviant groups pose a danger to national security because of their radical beliefs. The ISA, and the threat of invoking the ISA, also are used to intimidate and restrict political dissent. For example, in 1998 the police detained Anwar Ibrahim and 27 of his followers under the ISA after a series of largely peaceful antigovernment demonstrations. The Government claimed that the demonstrations threatened national security (see Sections 1.e. and 2.b.). The 29 members of the Al-Ma'unah sect arrested in June initially were detained under the ISA.

Security authorities sometimes wait several days after detention before informing an ISA detainee's family. Even when there are no formal charges, the authorities must inform detainees of the accusations against them and permit them to appeal to an advisory board for review every 6 months. However, advisory board decisions and recommendations are not binding on the Home Minister, are not public, and often are not shown to the detainee. In the past, some ISA detainees have refused to participate in the review process under these circumstances.

Amendments to the ISA in 1997 sharply circumscribed judicial review of ISA detentions. Although the Bar Council has in the past asserted that detentions under the ISA should be subject to judicial review on both procedural and substantive grounds, the courts have not concurred with this interpretation, and they review

ISA detentions only on technical grounds. Detainees freed on technical grounds nearly always are detained again immediately.

In May 1999, the Government announced new procedures for ISA detention. According to press reports, the new amendments stipulated that senior police officials must concur with ISA detentions. The then-Deputy Minister in the then Prime Minister's Department Datuk Ibrahim Ali claimed that the amended procedures would help prevent misuse of the ISA. The details were not reported.

In early August, the Government charged 29 members of the Al-Ma'unah sect, who were arrested for the early June raids on two army depots, after previous remandings had expired. The group was charged under Section 121 of the Penal Code with "waging or attempting to wage or abetting the waging of war" against the King. Also in August, the Government detained under the ISA at least 33 additional Al-Ma'unah members solely for their membership in the group. In December six members of the first group were convicted and sentenced to 10 years in prison. The remaining members (of both groups) remained in custody at year's end. In March police in Sarawak detained two persons under the ISA for allegedly dealing illegally in firearms (see Sections 1.e. and 2.c.).

Opposition leaders and human rights organizations continued to call on the Government to repeal the ISA and other legislation that deprived persons of the right to defend themselves in court. For example, in August 70 opposition parties and nongovernmental groups signed a memorandum calling for the repeal of the ISA. However, during the year, a number of ruling coalition politicians and government officials stated that the ISA still was necessary and would not be repealed. In February the Deputy Home Minister said in Parliament that the ISA is useful in maintaining the peace, but it would not be misused. In July the Prime Minister said "the ISA is a legitimate law of the country, and although we do not like using it, we have the right to use it against persons whose actions can jeopardize the country's security."

Under the 1969 Emergency Ordinance, which was instituted after intercommunal riots in that year, the Home Minister may issue a detention order for up to 2 years against a person if he deems it necessary to protect public order, or for the "suppression of violence, or the prevention of crimes involving violence." In fact the Government has used the Emergency Ordinance for other reasons. In September press reports quoted a police official as saying that 328 persons were detained under the ordinance during the year.

Provisions of the 1985 Dangerous Drugs Act (Special Preventive Measures) give the Government specific power to detain suspected drug traffickers without trial. Such suspects may be held for up to 39 days before the Home Minister must issue a detention order. Once the Ministry has issued an order, the detainee is entitled to a hearing before a court. In some instances, the judge may order the detainee's release. Suspects may be held without charge for successive 2-year intervals with periodic review by an advisory board, whose opinion is binding on the Home Minister. However, the review process contained none of the procedural rights that a defendant would have in a court proceeding. The police frequently detained suspected narcotics traffickers under the Special Preventive Measures after the traffickers are acquitted of formal charges—often as they leave the courtroom. Between January and September, 1,259 persons were detained under this measure. The Government detained over 1,300 persons under this law in 1999.

Immigration laws are used to detain possible illegal aliens without trial or hearing. The detainees are not accorded any administrative or legal hearings and are released only after their employers prove their legal status. Those who were able to produce legal documents normally are released immediately; those who were unable to prove their legal status often were held for extended periods before deportation. Illegal aliens were kept in detention centers that are separate from prisons (see Section 1.c.).

Law enforcement authorities also used the Restricted Residence Act to restrict movements of criminal suspects for an extended period. The act allows the Home Ministry to place criminal suspects under restricted residence in a remote district away from their homes for 2 years. The Ministry is authorized to issue the banishment orders without any judicial or administrative hearings. Human rights activists have questioned the need for this law, which was passed more than 60 years ago (during British sovereignty) under very different circumstances, and they have called for its repeal. The Government has continued to justify the act as a necessary tool and has used it in the recent past, primarily to combat vice and gambling offenses. In July 1999, the Terengganu state chief of police warned publicly that operators of illegal gambling machines would be banished under the act if they did not cease their activities. In August 1999, Director General of the Anticorruption Agency (ACA) Datuk Ahmad Zaki Husin proposed using the act to banish officials sus-

pected of corruption. After the Bar Council expressed concerns over the proposal, Zaki clarified that the Restricted Residence Act might be used only for "syndicated graft." Also in August 1999, the Deputy Prime Minister warned "get-rich-quick" scheme operators that they might face banishment under the act. The Government has not disclosed how many persons were subject to the Restricted Residence Act and no accurate estimate was available. In April the Deputy Home Minister said in Parliament that during 1999 there were 93 persons held in prison waiting to be placed under restricted residence, and 17 of these persons were released from prison into restricted residence. In September the Selangor state government stated that it might use the Restricted Residence Act to banish those responsible for the increase in illegal video and gaming outlets in Selangor.

In 1998 the Attorney General stated that the Government had expedited hearings on the cases of 44 prisoners held "at the pleasure of the Sovereign" for inordinate periods, often well exceeding the maximum sentences for their original crimes. In one case, a prisoner had been held for 37 years. Most such "forgotten prisoners" committed their crimes as minors or while of unsound mind. The Government has not released the findings of the hearings held on these cases, or indicated whether any of the 44 prisoners have been released.

Section 396 of the Criminal Procedure Code allows the detention of a person whose testimony as a material witness is necessary in a criminal case, if that person is likely to abscond.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, since 1988 government action, constitutional amendments, legislation restricting judicial review, and other factors steadily have eroded judicial independence and strengthened executive influence over the judiciary. A number of high-profile cases continued to cast doubts on judicial impartiality and independence, and raised questions of arbitrary verdicts, selective prosecution, and preferential treatment of some litigants and lawyers. Members of the bar, NGO's, and other observers (including those who attended a 1999 Commonwealth Law Conference held in the country) continued to express serious concern about the deterioration of the independence and overall fairness of the judiciary. In December a new Chief Justice and Attorney General were sworn into office. Most observers were optimistic that these appointments will help restore the health and credibility of the judiciary. Immediately after taking his position, the new Chief Justice made public remarks regarding the importance of restoring public trust in the judiciary.

High courts have original jurisdiction over all criminal cases involving serious crimes and most civil cases. Civil suits involving automobile accidents and landlord-tenant disputes are heard by sessions courts. Juvenile courts try offenders under age 18. The Special Court tries cases against the King and sultans. The Court of Appeal has appellate jurisdiction over high court and sessions court decisions. The Federal Court, the country's highest court, hears appeals of court of appeal decisions.

Islamic religious laws administered by state authorities through Islamic courts bind ethnic Malays and other Muslims in some matters. In 1997 the Government announced that it would harmonize Islamic law at the federal level and appoint an Islamic law federal attorney general. However, the Government has not been able to obtain the necessary agreement of all the states and the proposal has not been implemented, though it is still under discussion.

Indigenous people in Sarawak and Sabah also have a system of customary law to resolve matters such as land disputes between tribes.

Penghulu (village head) courts may adjudicate minor civil matters, but these are rarely used.

The military has a separate system of courts.

The secular legal system is based on English common law. Trials are public, although judges may order restrictions on press coverage. For example, in the corruption trial of former Deputy Prime Minister Anwar, the judge often restricted press coverage of defense testimony and remarks that might embarrass senior government leaders. However, the judge generally did not restrict press coverage of testimony and remarks that might embarrass Anwar.

Defendants have the right to counsel, bail is sometimes available, and strict rules of evidence apply in court. Witnesses are subject to cross-examination. The defense in both ordinary criminal cases and special security cases is not entitled to a statement of evidence before the trial. In general, limited pretrial discovery in criminal cases hobbles defendants' ability to defend themselves.

Defendants enjoy the presumption of innocence and may appeal court decisions to higher courts. In criminal cases, defendants also may appeal for clemency to the

King or local state rulers as appropriate. A single judge hears each criminal trial. There are no jury trials.

A 1997 amendment to the Criminal Procedure Code that may erode defendants' presumption of innocence continued to concern lawyers. Before the 1997 amendment, the prosecution was required to prove its case beyond a reasonable doubt or the defendant would receive a summary dismissal without having to present the defense case. Now, the prosecution only needs to prove a legally sufficient unless disproved case, and the defense must be called. In August 1999, a man was convicted of murder after electing to enter a no defense. The judge ruled that the prosecution had proven a legally sufficient case and, when the man chose to offer no defense, the judge convicted him and sentenced him to death.

In 1998 Parliament passed amendments to the 1964 Courts of Judicature Act that limited the rights of defendants to appeal in some circumstances. The Government stated that these amendments would expedite the hearing of cases in the upper courts. The president of the Bar Association said in 1998 that the amendments imposed too many restrictions on appeals.

The Attorney General may restrict the right to a fair trial in criminal cases by invoking the 1975 Essential (Security Cases) Regulations. These regulations governing trial procedure normally apply only in firearm cases. In cases tried under these regulations, the standards for accepting selfincriminating statements by defendants as evidence are less stringent than in normal criminal cases. Also, the authorities may hold the accused for an unspecified time before making formal charges. The Attorney General has the authority to invoke these regulations in other criminal cases if the Government determines that the crime involves national security considerations, but such cases are rare. However, the Essential Regulations were invoked in September at the beginning of the trial of the 29 members of the Al-Ma'unah sect accused of carrying out arms thefts at 2 army posts in July. Defense lawyers argued that the use of the Essential Regulations was unconstitutional, since no certificate of emergency declaring a national emergency had been issued. The judge ruled that the Attorney General has the discretion to opt to use the Essential Regulations, if he sees fit to do so (see Sections 1.d. and 2.c.).

Even when the Essential Regulations are not invoked, defendants and defense lawyers lack legal protections against interference. For example, during a trial police may call and interrogate witnesses who have given testimony not helpful to the prosecution. Human rights advocates accused police of using this tactic to intimidate witnesses. One instance of this practice led the Bar Council in July 1999 to issue a statement of concern. Police also have used raids and document seizures to harass defendants. Selective prosecution that is, prosecution based on political rather than legal considerations, is a serious problem in the legal system. According to the law, the decision to prosecute a case rests solely with the Attorney General. In August 1999, the former Chief Justice publicly reminded magistrates and judges not to question the Attorney General's sole discretion to prosecute. Opposition leaders and some NGO's made credible accusations of political interference in the judicial process. In April 1999 the Prime Minister publicly denied that he interfered in the decisions of the Attorney General. In February the Minister in the Prime Minister's Department responsible for legal affairs stated in Parliament that the Attorney General does not practice selective prosecution.

In practice the Attorney General uses his power to prosecute selectively. In May 1999, the Attorney General warned that those accusing the Government of selective prosecution could be charged with sedition or criminal defamation. The Bar Council criticized the Attorney General's statement and stated that it showed "a lack of respect or understanding of the concept of democracy and the rule of law." No one was charged with sedition or criminal defamation on such grounds during the year.

Contempt of court charges also have restricted the ability of defendants and their attorneys to defend themselves. Attorney Zainur Zakaria, after raising a legal issue on behalf of his client Anwar Ibrahim, was charged with contempt in 1998. Zainur lost his appeal in September but was granted a stay of execution of the 3month sentence pending his appeal to the Federal Court, the country's highest court. The Bar Council expressed concern over Zainur's case and other contempt of court cases several times in recent years and in March 1999, it prepared a draft Contempt of Courts Act to provide explicitly what would constitute contempt. The Chief Justice said in April 1999 that there was no need for a Contempt of Courts Act because judges do not abuse their power. In August 1999, former Deputy Minister in the Prime Minister's Department Datuk Ibrahim Ali said that the Government would study the Bar Council's draft; however, the Government had not passed or considered such a bill by year's end. In September senior government officials participated in a Bar Council seminar on contempt of court provisions.

Following a number of high-profile corruption cases, the Government amended the Anticorruption Act in 1997. The law gives the Attorney General powers that impinge on the presumption of innocence and requires accused persons to prove that they acquired their monetary and other assets legally.

Islamic courts do not give equal weight to the testimony of women. Many NGO's have complained that women do not receive fair treatment from Islamic courts, especially in matters of divorce.

In August, a judge ruled that U.N. Special Rapporteur on the Independence of Judges and Lawyers Datuk Param Kumaraswamy, because of his status as a U.N. Special Rapporteur, was immune from one of four libel suits pending against him in Malaysia. The judge explicitly stated that his ruling did not affect any of the other suits pending against Param. The suits stem from a longstanding and complex series of events. In 1997 Param and former Malaysian Bar Council secretary general Tommy Thomas were sued by several large companies, prominent businessmen, and a prominent lawyer for libel for an article, in an international legal journal. The article alleged that certain plaintiffs and their lawyers enjoyed improper preferential treatment in the courts. In judgments that widely were thought to be politically motivated and improperly influenced by favoritism, the courts had rejected Param's claim of immunity. In April 1999, the International Court of Justice (ICJ) had ruled that because of his status as a U.N. Special Rapporteur, Param was immune from the suits. The following month the Prime Minister said that the Government would abide by the ICJ's decision; however, in October 1999, a court defied the ICJ and ruled that Param would have to defend himself. Similar decisions were handed down in the other three suits. The U.N. expressed its regret over the court's decisions, and in December 1999, asked the Government to reimburse it for legal expenses. Param appealed the rulings, leading to the August decision. The other 3 libel suits against Param were still pending at year's end.

The libel case against Tommy Thomas was settled in October 1998 after he issued a written apology through his lawyers. However, he then issued a statement that the settlement was initiated by his insurance company over his objections. Subsequently Thomas issued a second statement retracting his earlier one. However, the judge cited him for contempt of court. He was convicted in 1998 and sentenced to 6 months in prison. The appeal of his conviction was still pending at year's end.

In June the High Court granted an order preventing the Malaysian Bar Council from holding an extraordinary meeting to discuss a motion calling for an investigation into alleged improper conduct by the Chief Justice. In 1994 the Chief Justice was accused of accepting vacation travel, from a lawyer who had matters pending before the court. The High Court stated that the allegations against the Chief Justice had not been verified.

The cases against former Deputy Prime Minister Anwar Ibrahim and some of his associates, and against Irene Fernandez (see Section 2.a.), have raised questions about judicial independence and impartiality. Nonetheless, the Courts did not rule exclusively in favor of the Government. In August a court convicted and fined a Member of Parliament (M.P.) from the ruling coalition government more than \$2,600 (10,000 ringgit) on a contempt charge. The M.P. filed an appeal; if the conviction stands, he would lose his seat.

Former Deputy Prime Minister Anwar Ibrahim is a political prisoner. In September 1998, after a political conflict, Prime Minister Mahathir Mohammad removed Anwar as Deputy Prime Minister. Later the same month, after a large and mostly peaceful demonstration in which he called for Mahathir's resignation, Anwar was detained for alleged corruption and sodomy. The Government was motivated primarily by its desire to remove Anwar from political prominence following the significant manifestation of popular support for the reform movement that Anwar began after his removal. While in detention, Anwar was beaten by the former Inspector General of Police Rahim Noor (see Section 1.c.).

For several days, Anwar was denied medical treatment for the injuries that he received at the hands of Rahim. Presumably to avoid bringing a visibly injured Anwar to court, police changed Anwar's status to "detention without charge" under the Internal Security Act. Anwar's status subsequently was changed again to "criminal detention." Anwar later was tried and convicted on four counts of corruption. He was sentenced to 6 years in prison for corruption in April 1999. In April Anwar's appeal of the conviction and sentence was denied by the Court of Appeals. He has appealed to the Federal Court, the country's highest court. At year's end, Anwar's appeal of this conviction still was pending. At the request of his lawyers in November, the appeal was postponed because Anwar was in the hospital being treated for a slipped disk in his back. No date has yet been set to hear the appeal.

During Anwar's corruption trial, the judge made several questionable rulings that greatly limited Anwar's ability to defend himself against what some individuals be-

lieve were politically motivated charges. For example, the judge sentenced one of Anwar's attorneys to 3 months' imprisonment for contempt after the attorney raised in court charges of prosecutorial misconduct. The judge greatly restricted the scope of Anwar's defense (on occasions during the trial, the judge explicitly said that he did not care if there was a conspiracy to bring down Anwar) and tolerated improper activities by the police and prosecutors. The judge allowed prosecutors to amend the charges in the middle of the trial, which is permitted under the law but in this case clearly was unfair to Anwar. Anwar was denied the ability to rebut evidence of sexual misconduct presented by prosecution witnesses when the judge, at the end of the prosecution's case, allowed prosecutors to amend the charges, and then expunged the record of all evidence of sexual misconduct. Since his arrest, Anwar has been denied bail on questionable legal grounds.

On August 8, Anwar was convicted on a separate charge of sodomy and sentenced to 9 years in prison, to be served consecutively with the 6-year sentence that Anwar received for corruption. Once he completes his 15 years in prison, he would be disqualified from holding any public office for 5 years. His adopted brother, Sukma Damarawan, a codefendant in the case, was sentenced to 6 years in prison and four strokes of the cane, but he remains free on bail. Lawyers for both immediately filed appeals. At the beginning of the sodomy trial, prosecutors changed the dates of the alleged acts of sodomy, allegedly because the defense had discovered that the apartment building where the sodomy allegedly took place had not been completed by the original dates. Despite testimony detailing how police had coerced a confession from an alleged homosexual partner, on July 26 1999, the judge ruled that the prosecution had proven beyond a reasonable doubt that this confession had been voluntary. A few days later, another witness admitted that police had coached part of his testimony. On August 18, 1999, the lead police investigator materially contradicted his testimony (in order to make it consistent with the amended dates of the alleged offense); on the next day, the judge ruled that the policeman had not lied. In April the judge ruled that the Prime Minister, who was called by the defense in an attempt to prove a political conspiracy against Anwar, would not be required to testify. Defense attorneys maintained that they were not permitted by the judge to call a number of desired witnesses. The defense claimed that the judge exerted such pressure during the summer to bring the trial to an early conclusion.

Anwar's conviction and sentence were criticized strongly by opposition parties, human rights groups, and a number of foreign governments and international human rights organizations. For example, the Malaysian Bar Council criticized the trial, citing irregularities in the evidence, and characterized the sentence as "manifestly excessive and harsh." Anwar remained in prison at year's end, but he was transferred to a hospital in December to receive treatment for a slipped disk in his back. He is permitted to receive visits from only his family and lawyers. According to the law, Anwar is a "common criminal" rather than a political prisoner, and therefore does not have the right to receive visits from international human rights organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for these rights; however, authorities infringed on citizens' privacy rights in some cases. Provisions in the security legislation (see Section 1.d.) allow the police to enter and search without a warrant the homes of persons suspected of threatening national security. Police also may confiscate evidence under these acts. In some cases each year, police use this legal authority to search homes and offices, seize books and papers, monitor conversations, and take persons into custody without a warrant.

The law permits the Home Ministry to place criminal suspects under restricted residence in a remote district away from their homes for a 2-year period (see Section 1.d.).

The Government bans membership in unregistered political parties and in unregistered organizations (see Section 2.b.).

A clause in the 1997 Anticorruption Act empowers the Attorney General to authorize the interception of mail and the wiretapping of telephones. Such information would be admissible as evidence in a corruption trial.

Certain religious issues pose significant obstacles to marriage between Muslims and adherents of other religions (see Section 2.c.).

Muslim couples must take premarital courses. In previous years, women's activists complained that the courses, as implemented, perpetuated gender discrimination by misinforming women of their rights in marriage (see Section 5). However, there were no reports during the year of such misinformation regarding marriage rights.

Two state governments sought to restrict Muslim women's dress during the year (see Section 5).

Singaporean newspapers and magazines may not circulate in the country (see Section 2.a.), despite being easily available on the Internet.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, some important legal limitations exist, and the Government restricts freedom of expression and intimidates most of the print and electronic media into practicing selfcensorship.

The Constitution provides that freedom of speech may be restricted by legislation “in the interest of security (or) public order.” For example, the Sedition Act prohibits public comment on issues defined as sensitive, such as racial and religious matters. In practice the Sedition Act, the Official Secrets Act, criminal defamation laws, and some other laws have been used to restrict or intimidate dissenting political speech.

In February 1999, the U.N. Special Rapporteur on Freedom of Opinion and Expression issued a report stating that freedom of opinion was curtailed systematically in Malaysia. The Special Rapporteur stated that the Internal Security Act, the Sedition Act, and the Printing Presses and Publications Act were used to suppress or repress expression and curb peaceful assembly. He further stated that defamation laws “appear to be having a very chilling effect.” The Government stated that the Special Rapporteur’s report was “baseless and distorted.”

The Prime Minister and other senior officials continued to ascribe seditious or treasonous motives to critics of government policies. Although many persons still criticized the Government publicly, the Government’s statements made many persons more cautious about exercising their rights of free speech. For example, in November the Home Affairs Ministry issued several warnings to a Chinese language daily newspaper, the China Press, about reporting on controversial issues, specifically the Vision School and the Education Fund.

In August 1999, Deputy Prime Minister Datuk Seri Abdullah Badawi warned that political parties that raised sensitive issues and caused an “undesirable situation” would be charged under the Sedition Act. However, government and ruling party officials sometimes made statements on sensitive racial and religious issues with no repercussions. For example, on the same day that the Deputy Prime Minister threatened to invoke the Sedition Act, he stated that voting for the opposition would be “disastrous” for ethnic Malays.

Two prominent figures were charged under sedition statutes during the year. In January the Government charged attorney and opposition politician Karpal Singh with sedition for statements he made in court during his legal defense of former Deputy Prime Minister Anwar Ibrahim, first time that a lawyer was charged with sedition for statements made in court. Karpal’s case came to trial in July, but it was postponed until May 2001. Also in January, opposition politician Marina Yusoff was charged with sedition for comments that she made about racial violence in 1969 while campaigning for Parliament in 1999. Her case was postponed several times; it was being heard at year’s end. Both Karpal and Marina were charged under Section 4(1)(b) of the Sedition Act of 1948, which carries a maximum fine of just over \$1,300 (5,000 ringgit), or 3 years’ imprisonment, or both.

Again in January, the editor and printer of Harakah, the newspaper of the opposition Islamic party, Parti Islam Se-Malaysia (PAS), were charged with sedition in connection with an August 1999 Harakah article that quoted an opposition politician’s comments on the confession of Sukma Darawaman, Anwar Ibrahim’s co-defendant in Anwar’s sodomy trial. The printer pleaded guilty in May and was fined slightly over \$1,000 (4,000 ringgit). The editor’s case is scheduled to be heard in 2001, although no formal date has been set.

In September 1999 an official of the United Malays National Organization (UMNO), the dominant component of the ruling National Front coalition, lodged a police report charging the chief minister of the opposition-controlled state of Kelantan with sedition. The chief minister allegedly had said that the state’s populace no longer held the royal family in high regard. Police announced that they had questioned 10 members of the opposition Islamic party about this case. There were no reports of further developments by year’s end.

In March the Melaka state government announced that it had terminated the contracts of an undetermined number of panel doctors, architects, and lawyers, and blacklisted contractors who allegedly were aligned with opposition parties. The state government also closed accounts in banks where the staff were accused of criticizing the Government. In July the Penang state government also blacklisted contractors for their alleged involvement in antigovernment activities, such as supporting or funding opposition parties. Opposition parties and NGO’s criticized these actions as discriminatory, claiming that such steps were inconsistent with the demands of a democratic society.

In March 1999, the Prime Minister said that slanderous statements had become a "security problem" and claimed that some statements advocated violence and assassination. Police later claimed that they were monitoring all slanderous statements, including news reports that amounted to incitement. It was unclear from the Prime Minister's and police officials' statements whether security concerns were confined to advocating violence or whether these concerns also encompassed legitimate criticism of the Government.

UMNO formed a legal panel in March 1999 to identify slanderous and libelous statements and to take legal action against them. The panel subsequently sued several government critics for public statements and statements reported in the press. Former Deputy Minister in the Prime Minister's Department Datuk Ibrahim Ali, the chairman of the panel, warned that those who made allegations against the Government or the ruling party also might face prosecution for criminal defamation. In a separate statement in May 1999, Datuk Ibrahim Ali said that the ruling party had identified 40 to 50 individuals from the opposition and academia who often made defamatory statements. He reportedly said that UMNO wanted to ensure that the critics did not get away "scot free." Government opponents accused the Government of using the panel to stifle legitimate dissent. In June 1999, UMNO secretary general Tan Sri Khalil Yaakob said that the panel had countered opposition slander successfully.

During 2000, many government officials, opposition figures, and private citizens filed multimillion-dollar lawsuits for libel and slander. In May 1999, the Bar Council stated that the proliferation of multimillion-dollar libel and slander lawsuits "would end up stifling the freedom of speech." In July the Federal Court upheld a judgment of over \$250,000 (1 million ringgit) against a freelance journalist who had been sued for libel by a wealthy businessman in 1994. In September the Court of Appeals dismissed an appeal by a *Asian Edition Wall Street Journal* correspondent against the rejection of his application to amend his statement of defense in a more than \$10 million (40 million ringgit) libel suit against him. A different panel of judges also struck down (with costs) the correspondent's application for a stay of the suits against him that were pending in a lower court. Also in September, the *New Straits Times* made a public apology to a prominent opposition party leader for two caricatures published in the newspaper in 1999. The Minister in the Prime Minister's Department responsible for legal affairs told reporters in September that the Government would review the law of defamation in response to public concern over libel awards which, he noted, frequently exceeded damages handed down in personal injury cases.

The Official Secrets Act (OSA) also restricts freedom of expression. In the past, The Bar Council and other NGO's have called for a review of certain provisions of the OSA that grant considerable discretion to the authorities. Opposition leaders historically have accused the Government of using the OSA to cover up corruption. In January Ezam Nor, former Anwar aide and youth chief of the opposition group National Justice Party, was charged under the OSA with disclosing to reporters secret AntiCorruption Agency (ACA) reports. Ezam stated publicly in August 1999 that Anwar had stored abroad documents that corroborated charges of corruption against senior government leaders. Ezam claimed that the reports showed that the ACA was not pursuing corruption cases against senior government officials. Ezam's case went to trial in August, but it was postponed until February 2001. In March a government official stated in Parliament that only six persons have been arrested under the OSA since its inception in 1972, and he claimed that this statistic proved that the Government does not use the OSA to silence critics.

The 1984 Printing Presses and Publications Act limits press freedom. Under the act, domestic and foreign publications must apply annually to the Government for a permit. The act was amended in 1987 to make the publication of "malicious news" a punishable offense, expanded the Government's power to ban or restrict publications, and prohibited court challenges to suspension or revocation of publication permits. Government power over license renewal and other policies create an atmosphere that inhibits independent or investigative journalism and resulted in extensive self-censorship. In April the Deputy Home Minister stated in Parliament that from 1996 through March, action had been taken under the Act against 164 publishers. In May the Deputy Prime Minister stated in Parliament that the act has "served its purpose" of preserving harmony and promoting coexistence in a multiracial country. In August the Minister in the Prime Minister's Department responsible for legal affairs said that the act would not be repealed, even if a national press council were established to regulate the media.

The English and Malay mainstream press provide generally laudatory, uncritical coverage of government officials and policies, and usually give only limited and selective coverage to political views of the opposition or political rivals. Editorial opin-

ion almost always reflects government positions on domestic and international issues. Chinese-language newspapers are much freer in reporting and commenting on sensitive political and social issues, but they are not immune to government pressure. However, self-censorship and biased reporting in the print media was not uniform and the English-, Malay-, and Chinese-language press all, at times, provided balanced reporting on sensitive issues.

The Government often conveyed its displeasure with press reporting directly to a newspaper's board of directors or chief editors. In addition leading political figures in the ruling coalition, or companies controlled by them, own most major newspapers, thus limiting the range of views. At times the susceptibility of the press to government pressure has a direct and public impact on operations. For example, in January the group editor in chief of a local press conglomerate was removed after its flagship newspaper, the *New Straits Times*, carried several articles that reportedly angered the UMNO Supreme Council. However, the individual was appointed in September as chairman of Bernama, the national news agency.

By World Press Freedom Day on May 3, 950 journalists had signed a petition, initiated a year earlier, calling for the repeal of the Printing Presses and Publications Act and the formation of an independent media council to regulate the press. The petition stated that government controls on the press had resulted in self-censorship and diminished the credibility of the mainstream press. The Bar Council issued a statement in 1999 supporting the journalists' petition. Although in response the Deputy Prime Minister reaffirmed his intention to look into the idea of a media council, no action had been taken by year's end.

The Center for Independent Journalism, which was founded in May, issued a statement after a seminar in September on press freedom, that cited self-censorship as the biggest obstacle to press freedom in the country. It identified the Printing Presses and Publications Act and fear of lawsuits as the primary causes of self-censorship.

The Government continued to prosecute human rights activist Irene Fernandez under the Printing Presses and Publications Act for charges that she made in 1995 of mistreatment of detainees at illegal alien detention centers. Fernandez's supporters accuse the Government of purposely prolonging the trial, the longest in the country's history, to harass Fernandez. As of year's end, the trial continued.

The Government also sometimes directly restricts the dissemination of information that it deems embarrassing or prejudicial to national interests. The Government continued its policy of not allowing public disclosure of air pollution index-readings. In July the Minister for Science, Technology, and Environment Datuk Seri Law Hieng Ding reiterated that the Government would not release air pollution index-readings due to fear that they would affect the tourism industry negatively. In February 1999, the Government forbade all state health departments from commenting on the outbreak of a deadly virus. The Government later restricted reporters' access to sites of the outbreak. However, the issue was reported widely.

Publications of opposition parties, social action groups, unions, and other private groups actively covered opposition parties and frequently printed views critical of government policies. However, the Government retained significant influence over these publications by requiring annual renewal of publishing permits and limiting circulation only to members of the relevant organization. Several times in 1999, senior government leaders publicly warned the publishers of *Harakah*, the Islamic opposition party's newspaper not to print "slandering" remarks and to limit distribution to party members. *Harakah* also was the target of several ruling party-sponsored libel suits. In December 1999, the Home Ministry issued a letter to *Harakah's* publisher asking him to explain why *Harakah* should not be banned for violating the terms of the publishing permit. Acting on a Home Ministry directive, police officers raided newsstands that distributed *Harakah* to the public and confiscated many copies. *Harakah* stated that he would abide by the Home Ministry directive and the newspaper generally no longer is sold openly. The circulation of *Harakah* rivals that of mainstream newspapers. *Harakah* was the only major Malay and English language media forum for opposition views. In March, the Government stipulated that *Harakah* published only twice a month instead of twice a week. The Government failed to renew publication permits for several political weeklies, such as *Eksklusif* and *Detik*, and a teen magazine, *Al-Wasilah*. The Government stated that the permits of *Detik* and *Eksklusif* were not renewed because of their "imbalanced reporting."

For most of the year, there were two exclusively on-line newspapers, although one of these was forced to shut down in December due to financial difficulties. Most major newspapers have an on-line edition. For example, *Detik* now publishes an on-line Internet edition. Exclusively on-line newspapers do not require publication permits; however, the Government denies their reporters press accreditation to cover

government functions and ministers' press conferences, and refuses their admission into government buildings. During the year, readership of online newspapers increased markedly.

Printers, who also must have their permits renewed annually, were often reluctant to print publications were critical of the Government.

Both legal magazines (those with publishing permits) and illegal, that is lacking publishing permits, publications frequently printed criticism of the Government. In May 1999, police seized over a thousand copies of illegal antigovernment magazines at a printing company and charged the company owner with violating the Printing Presses and Publications Act.

Isolated instances of violence against journalists occurred during the year. A news photographer reportedly was assaulted during an August demonstration staged by the UMNO youth wing against an ethnic Chinese group accused of questioning special Malay rights and privileges.

The foreign press continued to be a target of government criticism for allegedly biased reporting. In February 1999, several government ministries announced plans to boycott three foreign publications that they claimed criticized the Government overzealously. In his August Independence Day speech, the Prime Minister stated the foreign media "have succeeded in discrediting us and encouraging and supporting all acts by any groups, including criminals, which could undermine our country."

The electronic media is restricted more tightly than the print media. Radio and television are almost uniformly laudatory of the Government. News on the opposition is restricted tightly and reported in a biased fashion. In July 1999, the Deputy Information Minister stated candidly that government television and radio channels would not broadcast the views of opposition parties. He said that opposition parties were welcome to use private news stations or apply for broadcasting licenses of their own. In fact the two private television stations have close ties to the ruling coalition and are unlikely to provide a forum for the opposition parties, and it is unlikely that the Government would grant the opposition a broadcasting license. In April the Deputy Information Minister stated that the opposition only would be allowed access to government media if the opposition "has anything specific or good to say." The Government has not approved a longstanding license application for a state radio station in the opposition-controlled state of Kelantan. Every other state has such a station.

A government censorship board censors films for profanity, nudity, sex, violence, and certain political and religious content. Television stations censor programming in line with government guidelines. The Government bans certain books for political and religious reasons or because of sexual or profane content. Some foreign newspapers and magazines are banned (see Section 1.f.) and, infrequently, foreign magazines or newspapers are censored, most often for sexual content. However, the increased prevalence of the Internet is undermining such restrictions. The Government maintains a "blacklist" of local and foreign performers, politicians, and religious leaders who may not appear on television or radio broadcasts.

The Communications and Multimedia Act (CMA), which came into force on April 1, 1999, requires certain Internet and other network service providers to obtain a license under the CMA. In December the Government stated that it did not intend to impose controls on Internet use, but it would punish the "misuse" of information technology under the CMA, which, while prohibiting censorship, provides for "legal action against those who post defamatory and false information on the Internet." The Government has not used licensing provisions under the CMA to interfere with Internet access or to restrict Internet content.

Police detained four persons under the ISA in 1998 for "cyber rumor-mongering." Police accused the four of spreading false reports of rioting and potential violence against Chinese Malaysians via the Internet. The four later were charged under a section of the Penal Code that prohibits statements that cause fear or alarm. One of the four was acquitted in April for lack of evidence. The other three cases still were pending at year's end. During the year, government officials made several contradictory comments about the desirability of censoring the Internet. In September the Deputy Home Affairs Minister announced that his ministry was drafting a new law that would allow legal action to be taken against those believed to be responsible for spreading "misleading information" and pornography via the Internet. However, in the same month, the Information Minister said that the Government had no plans to censor the Internet. The Minister in the Prime Minister's Department responsible for legal affairs stated in September that, while the Internet would not be censored, users remained subject to the law, and anyone who defamed another over the Internet or made seditious comments still could face legal action.

The Government generally restricts remarks or publications that might incite racial or religious disharmony; it also attempts to restrict the content of sermons at government-affiliated mosques. Some state governments ban certain Muslim clergymen from delivering sermons (see Section 2.c.).

In December 1999, Prime Minister Mahathir said that the Government should find ways to prevent the opposition from "spreading lies" at mosques. Also in December 1999, Deputy Prime Minister Abdullah instructed the Religious Affairs Department to conduct background checks on religious speakers.

Throughout the year, government officials and ruling coalition politicians complained that opposition Islamic party members were giving political sermons in mosques around the country. In January the Prime Minister's office announced that all state religious councils had been instructed to keep a closer watch on the use of mosques for political purposes. In March a government minister stated that Friday sermons at mosques were being monitored to prevent the spread of "slander and lies." Selangor state government officials announced that they were investigating mosque committee members with links to the opposition, and Johor state government officials said that they had identified several "political" religious leaders who had criticized the Government. Selangor officials threatened to expel opposition sympathizers from mosque committees, and in Johor state, officials threatened "stern action." In May 24 members of the opposition Islamic party were banned by the Selangor state government from giving speeches in all mosques, government buildings, and prayer places in the state.

In the past, the Government generally had respected academic freedom in the areas of teaching and publication. Academics are sometimes publicly critical of the Government. However, there is self-censorship among public university academics whose career advancement and funding depend on the Government. In October the Education Ministry submitted the results of its inquiry into several teachers in Malacca who allegedly promoted antigovernment feelings by assigning political topics in a debate competition. The Teaching Service Commission was to determine whether these teachers should be dismissed; the inquiry was ongoing at year's end. Private institution academics also practiced self-censorship due to fear that the Government may revoke licenses for their institutions. Legislation also imposed limitations on student associations and student and faculty political activity (see Section 2.b.). A university vice chancellor must approve campus demonstrations.

The Government remained intolerant of teachers and students who expressed dissenting views. Throughout the year, senior government officials stated that teachers who opposed the Government and students who took part in antigovernment activities would face disciplinary actions, including dismissal and expulsion. In September the Minister in the Prime Minister's Department responsible for legal affairs warned that teachers who "poisoned the minds of school children" with political views during class faced the possibility of being charged under the Sedition Act and the Penal Code, and that students should not be involved in partisan politics. He asked the police to file a report on three teachers. In August 1999, an Education Ministry official said that a disciplinary panel had received reports from several states concerning teachers who had "incited" their students against the Government. In September 1999, an Education Ministry official said that the Ministry had "acted against" several teachers involved in antigovernment activities.

The Government has long stated that students should be apolitical and used that assertion as a basis for denying opposition parties access to student forums. According to student leaders, students who sign antigovernment petitions sometimes are expelled or fined. In fact the Government enforces this policy selectively; however, it does not refrain from spreading government views on political issues among students and teachers. In September the head of an Islamic student group was summoned for questioning by University of Malaya authorities for organizing a demonstration against a Western singing group.

In February 1999, the University of Malaya declined to renew the contract of Professor Chandra Muzaffar. Chandra, a well-known supporter of political reform and long-time government critic, charged that the university had fired him for political reasons. The university stated that it had declined to renew Chandra's contract for economic and personnel reasons. In June 1999, the High Court agreed to hear Chandra's application to reverse the university's decision. His case went to court in March but judgment had not been announced at year's end.

In 1997 the Government prohibited academics from making any public statements or publishing any writings on the country's air pollution crisis. Academics and others openly protested this order. The gag order remained in effect.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government places significant restrictions on this right. These rights may be limited in the interest of security and public

order, and the 1967 Police Act requires police permits for all public assemblies except for workers on picket lines. The decision to grant a permit theoretically rests with the district police chief; however, in practice senior police officials and political leaders influence the grant or denial of some permits. Police grant permits routinely to government and ruling coalition supporters; however, they use a more restrictive policy with government critics, although the police have granted permits for many opposition meetings. In March the Government renewed a ban on outdoor public rallies in the capital that involve more than five persons.

Opposition leaders frequently alleged that police issue permits for public assemblies in an unfair manner that discriminates against the opposition. Various state and local police departments rebutted these allegations by providing statistics that indicated that most requests for permits are granted; however, in certain sensitive cases political considerations clearly led to the denial of permits. For example, in August police denied a permit to the National Justice Party to hold a rally at a large stadium in Kuala Lumpur. In response the National Justice Party organized and held a large public demonstration on November 5. The Government denied the permit for this demonstration as well, and police blocked roads leading to the private property on which it was to take place. As a result, participants demonstrated on the roadways nearby. The police used repressive, sometimes violent, means to block the demonstration and to arrest participants. There were reports that peaceful demonstrators were teargassed, struck with batons, and locked in police trucks for several hours in the afternoon sun. In December the National Human Rights Commission opened an inquiry into the police response to this demonstration and took testimony in public hearings. Opposition politicians noted that regulations that required that political meetings be held indoors if no permit is obtained make it difficult to hold large meetings, especially in rural areas. Police reaction to opposition rallies that ignored the requirement for a permit or were held after the Government denied a permit varied. Opposition politicians noted that ruling coalition parties frequently assembled without the requisite permits. For example, in August a youth group of the dominant Malay Party held a noisy assembly outside a Chinese assembly hall during a period of public tension over public comments that a Chinese association had made concerning special Malay rights (see Section 2.c.).

At the April, September, November, and other, smaller pro-Anwar opposition demonstrations in 1999, police arrested hundreds of demonstrators, including many peaceful demonstrators. Many of these demonstrators later were acquitted, a handful were convicted, sentences ranging from 1 to 3 months and a fine, and some cases still were pending at year's end. Among those arrested were many opposition party leaders. Police detained them under the Police Act for allegedly participating in an illegal assembly and under the Penal Code for allegedly causing a riot. All were released on bail, and they still were awaiting trial at year's end. In December seven members of the opposition were arrested and charged with rioting for stopping and directing to the local police headquarters a number of buses that they suspected were carrying unregistered voters to the polls during the November by-election in Lunas. All subsequently were released and were awaiting trial at year's end.

In April the police mounted an operation to prevent citizens from participating in a Kuala Lumpur demonstration called by the opposition to commemorate the 1-year anniversary of Anwar Ibrahim's 1999 conviction on corruption charges. Police set up roadblocks and monitored bus stations, train stations, and airports to turn back suspected opposition supporters. Despite these efforts, a small crowd of roughly 100 persons gathered on April 15 in Kuala Lumpur. The police dispersed the group as it moved between several locations, in some instances by using water cannons. Roughly half of the group was arrested; Amnesty International reported that many were assaulted while in police custody (see Section 1.c.). In the days before the April 15 demonstration, police arrested several opposition figures. One such person, Tian Chua, was arrested on the day after the demonstration, along with his lawyer (who was released shortly afterwards). All of those arrested were released on bail, and they awaited trial at year's end.

On August 8, a crowd of several hundred opposition supporters gathered outside the courthouse in downtown Kuala Lumpur at which the verdict in Anwar Ibrahim's sodomy trial was being announced. The Government declared that the gathering was illegal and warned the public not to attend, despite the Human Rights Commission's pleas to respect the right to peaceful assembly outside the courthouse. Three members of the commission observed the demonstration and police conduct. Several days later, the commission issued a statement declaring that in general police conduct had been professional and considerate of the demonstrators. Opposition leader Tian Chua and several others claimed that they were beaten at a police station after being detained by police outside the courthouse.

In a meeting with the Human Rights Commission to discuss the August 8 demonstration, a public assembly observer team that represented a coalition of seven NGO's recommended a series of reforms to improve police handling of peaceful assemblies. The observers presented photographs taken on the scene as evidence of overly aggressive behavior by the police. The commission stated that it would study the documents and pictures.

There were several smaller demonstrations in Kuala Lumpur during the year. For example, a demonstration was held in January when Anwar Ibrahim's sodomy trial resumed after a several month break and a second took place in March at the National Mosque to protest government restrictions on the opposition newspaper Harakah. In each case, the police arrested some of the demonstrators and quickly broke up the gatherings.

In February 1999, the U.N. Special Rapporteur on Freedom of Opinion criticized the Government's use of various laws to curb peaceful assembly (see Section 2.a.).

In July 1999, five social activists were arrested for illegal assembly when they tried to prevent police from demolishing a squatter settlement. The case still was pending at year's end.

In April 4 of the over 50 Islamic opposition party members who were arrested in 1997 when they demonstrated in protest of an Israeli team's participation at an international cricket championship were ordered to testify in their own defense. In November each of the 4 was given a sentence of either 1 month in jail or a fine of \$400 (15,000 ringgit). Three chose jail time and one chose to pay the fine. The three serving jail time were released in early December after serving abbreviated sentences. Charges against the others were dropped in 1999.

The Constitution provides for the right of association; however, the Government places significant restrictions on this right. Certain statutes limited this right. Under the 1966 Societies Act, only registered, approved organizations of seven or more persons may function. The Government sometimes refuses to register organizations or may impose conditions when allowing a society to register. For example, the Government did not allow AI to set up a branch as an NGO. However, AI incorporated itself, and it was able to function much like an NGO. The Government prohibits the Communist Party and affiliated organizations (see Section 1.f.). The Government also has the power to revoke the registration of an existing society for violations of the act, a power that it has enforced selectively against political opposition groups. This threat of possible deregistration inhibits political activism.

To avoid the burdensome requirements of the Societies Act, many NGO's register as companies under the Companies Act or as businesses under the Registration of Businesses Act. Amendments to the Companies Act passed in 1998 empowered the Registrar of Companies to refuse registration of a proposed company if he is satisfied that the company is likely to be used for any purpose prejudicial to national security or the public interest. The Registrar also may cancel the registration of an existing company and disband it on the same grounds. Opposition parties and NGO activists claim that the sweeping powers granted to the Registrar of Companies were designed to stifle criticism. The Government denied such charges and stated that financial irregularities were the amendments' main target. However, later police statements threateningly alluded to the status of certain NGO's under the Companies or Societies Acts. In 1999 the Deputy Home Minister notified Parliament that the Government had revoked the registration of 981 societies under the Societies Act since 1966. No human rights NGO has had its registration revoked in recent years.

In August the High Court heard an appeal from the Socialist Party of Malaysia, whose application to form a new political party had been rejected in February 1999 by the Registrar of Societies. The Registrar stated that information on the application form was incomplete. Supporters of the Socialist Party claimed that the denial was motivated politically and filed an appeal. The case still was pending at year's end.

The Bar Council continues to be the target of government criticism in some instances; however, in others the Government attempted to collaborate with the council. In March 1999, former Deputy Minister Datuk Ibrahim Ali said that the Bar Council should not question the appointment of judges. In May 1999, Ali said that the Bar Council should stop meddling in government affairs. In June 1999, government leaders threatened to pass legislation making the Attorney General the head of the Bar Council. However, the Minister in the Prime Minister's Department, Rais Yatim, spoke at a Bar Council seminar in September on contempt-of-court procedures. In the past, the Government has threatened to expand legally the membership of the Bar Council to include government lawyers and legal professors. Some members of the Council feared that such a measure would dilute the Council's independence. No such measures had been implemented by year's end.

The Universities and University Colleges Act also restricted freedom of association. This act mandates university approval for student associations and prohibits student associations, as well as faculty members, from engaging in political activity. However, there were no reports that students were suspended during the year, as had occurred in the past. Restrictions are not enforced as vigorously on students who participate in political activities in support of the ruling coalition. A university vice chancellor must approve campus demonstrations. Many students, NGO's, and opposition political parties called for the repeal or amendment of the act. A number of ruling coalition organizations and politicians also supported reexamination of the act, but the Government stated that the act still is necessary.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government places some restrictions on this right. Islam is the official religion; however, the practice of Islamic beliefs other than Sunni Islam is restricted severely. Religious minorities, which include large Buddhist, Christian, Hindu, and Sikh communities, generally worship freely, although with some restrictions. Government funds support an Islamic religious establishment, and it is official policy to "infuse Islamic values" into the administration of the country. The Government imposed Islamic religious law (Shari'a) on Muslims only in some matters and it does not impose Shari'a beyond the Muslim community. Adherence to Islam is considered intrinsic to Malay ethnic identity and therefore Islamic religious laws administered by state authorities through Islamic courts bind all ethnic Malays (and other Muslims) in some matters. The Government also grants funds to non-Islamic religions, but to a more limited degree.

According to 1991 government census figures, the principal religions are: Islam (59 percent of the population, the majority of whom are Sunni); Buddhism (18 percent); Christianity (8 percent); Hinduism (6 percent); and Confucianism, Taoism, or other religions that originated in China (5 percent).

For Muslims, particularly ethnic Malays, the right to leave the Islamic faith and adhere to another religion is a controversial question. The legal process of conversion is unclear; in law and in practice, it is very difficult for Muslims to change religions. In March 1999, the country's highest court ruled that secular courts have no jurisdiction to hear applications by Muslims to change religions. According to the ruling, the religious conversion of Muslims is solely the jurisdiction of Shari'a courts. The state of Perlis enacted a law that stipulated that Muslims found guilty of apostasy by a Shari'a court are to be sent to "faith rehabilitation centers." Such a bill also has been proposed at the highest level of the Government. Leaders of the opposition Islamic Party have said that the penalty for apostasy should be death.

In 1998 the Government stated that "apostates", that is those who wish to leave or have left Islam for another religion, would not face government punishment as long as they did not defame Islam after their conversion. However, a senior government official stated in September that a faith rehabilitation bill was being prepared that could provide up to a year detention in a faith rehabilitation center for Muslims found guilty of apostasy. Subsequently the Prime Minister stated that the proposed federal and Perlis state bills, both of which aroused considerable controversy, were under further study.

The Government generally respects non-Muslims' right of worship; however, state governments carefully control the building of non-Muslim places of worship and the allocation of land for non-Muslim cemeteries. Approvals for such permits sometimes were granted very slowly. In July 1999, the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, and Sikhism (MCCBCHS), an NGO representing minority religions, claimed that the guidelines required an area to have at least 2,000 to 5,000 adherents of a particular non-Muslim faith for a non-Muslim place of worship to be approved. No such requirement exists for Muslim places of worship. The group also argued that, under the guidelines, the state Islamic council must approve the establishment of all non-Muslim places of worship. In August after years of complaints by non-Islamic religious organizations about the need for Islamic authorities in each state to approve construction of non-Islamic religious institutions, the Minister of Housing and Local Government announced that such approval no longer would be required. According to press reports, the new guidelines permit a non-Islamic house of worship to be built in every 0.5 hectare for the use of 2,600 worshippers, or a house of worship for every 5,000 worshippers regardless of the size of the area.

During the controversy over the proposed new guidelines on non-Muslim places of worship, the MCCBCHS and the Federal Territory Counseling and Service Center separately urged the Prime Minister to create a national non-Muslim religious council. Such a council was not established by year's end.

In December 1999, the press reported that the new administrators of the state of Terengganu, the opposition Islamic party PAS, planned to introduce a special tax

on non-Muslims. Non-Muslims expressed strong opposition to this proposal. State government leaders said that the press had distorted their plans. No special tax was imposed by year's end.

The proselytizing of Muslims by members of other religions is prohibited strictly; persons proselytizing non-Muslims face no obstacles. The Government discouraged, and in practical terms forbids, the circulation in peninsular Malaysia of Malaylanguage translations of the Bible and distribution of Christian tapes and printed materials in Malay. However, Malaylanguage Christian materials can be found. Some states have laws that prohibited the use of Malay-language religious terms by Christians, but the authorities do not always enforce them actively. The distribution of Malay-language Christian materials faced few restrictions in east Malaysia. Most visas for foreign Christian clergy are approved. Beginning in March, non-Muslim representatives now sit on the immigration committee that approves such visa requests.

The Government opposes what it considers to be deviant interpretations of Islam, maintaining that the "deviant" groups' extreme views endanger national security. In the past, the Government imposed restrictions on certain Islamic groups, primarily the small number of Shi'a. The Government continues to monitor the activities of the Shi'a minority, including those of 55 religious groups believed to be involved in deviant Islamic teachings. In August the Deputy Prime Minister stated that the Government had identified 44 extremist Islamic groups which, according to him, claimed to possess mystical powers of invincibility. In November the Shari'a high court in the state of Kelantan sentenced four persons to 3 years in jail for disregarding a lower court order to "repent" their allegedly heretical Islamic beliefs and "return to the true teachings of Islam." The high court rejected their argument that Shari'a law had no jurisdiction over them because they had ceased to be Muslims.

The Government periodically detains members of what it considers Islamic deviant sects without trial or charge under the ISA. After release, such detainees are subject to restrictions on their movement and residence. For example, in July the Government detained under the Internal Security Act at least 33 members of the Al-Ma'unah sect who reportedly were not suspected of involvement in the early July arms thefts. They remained under ISA detention at year's end (see Sections 1.d. and 1.e.).

The Government generally restricts remarks or publications that might incite racial or religious disharmony. This includes some statements and publications critical of particular religions, especially Islam. The Government also restricts the content of sermons at mosques. The Government periodically warns against those who deliver sermons in mosques for "political ends" and, occasionally, state governments banned certain Muslim clergymen from delivering sermons at mosques. In July 1999, the Negeri Sembilan state government banned a state religious department officer from preaching sermons because the officer allegedly had given a political speech during one of his sermons. In February 1999, the state of Selangor lifted a ban on a former mufti (the highest state Muslim leader) of Selangor. He allegedly had called the Prime Minister an apostate (see Section 2.a.). Throughout the year, the Government spoke out against what it considered the political use of mosques by the opposition Islamic Party PAS and several state governments, which are responsible for oversight of local religious matters, barred some opposition religious figures from speaking in mosques (see Section 2.a.).

After the November 1999 national elections, the Government significantly expanded efforts to restrict the activities of the Islamic opposition party at mosques. Several states announced measures including banning opposition-affiliated imams from speaking at mosques, more vigorously enforcing existing restrictions on the content of sermons, replacing mosque leaders and governing committees thought to be sympathetic to the opposition, and threatening to close unauthorized mosques with ties to the opposition. The Government justified such measures as necessary to oppose the "politicization of religion" by the opposition.

In December 1999, Prime Minister Mahathir said that ways should be found to prevent the opposition from "spreading lies" at mosques. Also in December 1999, Deputy Prime Minister Datuk Seri Abdullah Badawi directed the religious affairs department to conduct background checks on religious speakers to find out whether the speakers disseminated "wrongful information" that may have influenced civil servants to stop supporting the Government. Also in December 1999, Selangor state government officials announced that they were investigating mosque committee members with links to the opposition. Officials threatened to expel opposition sympathizers from mosque committees. At year's end, no action had been taken. Also in December 1999, Johor state officials said that they had identified several "political" religious leaders who had criticized the Government. The state government threatened "stern action," but at year's end, no action had been taken. In October

the Chief Minister of Kelantan, who is also the spiritual adviser for the opposition Islamic party PAS, was banned from speaking at a mosque in Selangor. The Chief Minister spoke despite the ban and vowed that he would continue to speak wherever he was invited. He was warned of prosecution if he defied the ban again. The mosque officers who allegedly allowed him to speak were not prosecuted, but they were required to attend a counseling session.

For Muslim children, religious education according to a government-approved curriculum is compulsory. There are no restrictions on home instruction.

In July 1999, the Government announced a plan to take control of state religious schools. (Under the Constitution religion is a matter for state governments.) The chief minister of the opposition-controlled state of Kelantan rejected the plan. In response, former federal Education Minister Datuk Seri Najib said that the Government would find a way to take over Kelantan's religious schools. In October 1999, the Government announced that religious schools could choose to be incorporated wholly or partially into the federal school system beginning this year; however, at year's end, the plan had not yet been implemented, and its implications were unclear.

In June the Government announced that all Muslim civil servants must attend religious classes, but only classes in Islam would be held. In addition only teachers approved by the Government would be employed.

In January 1999, the Selangor state government announced the formation of a government interreligious consultative council that included representatives of all major religions. The council's stated objectives were to prevent interreligious conflict, to promote interreligious understanding, and to address moral and social problems jointly.

The Government has a comprehensive system of preferences for ethnic Malays and members of a few other groups known collectively as "bumiputras," most of whom are Muslim (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally have the right to travel, live, and work where they please; however, the Government restricts these rights in some circumstances. The East Malaysian states of Sabah and Sarawak have the right to control immigration and to require citizens from peninsular West Malaysia and foreigners to present passports or national identity cards for entry. In 1998 the Court of Appeal ruled that Sabah and Sarawak, despite their autonomy, still are bound by the federal Constitution in all matters. Thus, the court voided Sabah's expulsion of a West Malaysian attorney who had been involved in several lawsuits against the state government. In May 1999, the Sabah state government filed an appeal of the ruling, which is still pending. The federal Government regulates the internal movement of provisionally released ISA detainees (see Section 1.d.). The Government also uses the Restricted Residence Act to limit movements of those suspected of some criminal activities (see Section 1.d.).

The Government generally does not restrict emigration.

Citizens must apply for the Government's permission to travel to Israel. Travel to Jerusalem for a religious purpose is allowed explicitly.

The Government has not ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government rejected customary international law in this area. The Government does not recognize the principle of first asylum; however, it sometimes grants temporary refuge to asylum seekers. In September 1999, Foreign Minister Datuk Seri Syed Hamid Albar said that "we allow people for temporary stay and when that stay is over they have to go back. We have never granted anybody refugee status." The Government continues to refuse to acknowledge that any Indonesian illegal aliens, including Acehnese, have a claim to refugee status. The Government has not made a concerted attempt to find and detain illegal Acehnese or other Indonesians; however, at least two refugees recognized by the U.N. High Commissioner for Refugees (UNHCR) were deported to Indonesia during the year. In 1998 the Government forcibly returned several hundred Acehnese, despite representations from the UNHCR and the international community and evidence that the Acehnese might face persecution upon return to Indonesia.

A Human Rights Watch report published in August on the condition of illegal Burmese Rohingyas in the country stated that they can be subject to arrest and detention in immigration camps. In the report, former detainees made detailed allegations of deaths in these camps due to beatings and inhuman conditions in the 1990's (see Sections 1.a. and 1.c.). The conditions in the camps remained a cause for concern; however, there were no reports of similar deaths during the year. After the Human Rights Watch report was released, the Muslim Youth Movement of Malaysia (ABIM) declared the report "untrue." One Abim official, a self-exiled Rohingya, de-

scribed the Government's treatment of the Rohingyas as "humane." The Malaysian Human Rights Commission currently is investigating allegations made in the Human Rights Watch report, and it defended the Government's handling of refugee claimants and illegal immigrants in general. UNHCR officials stated that approximately 10,000 Rohingyas in the country are de facto stateless persons; however, the vast majority do not qualify for refugee status under international law. In 1999 the UNHCR received 1,473 applications for refugee status from Rohingya asylum seekers and granted refugee status in only 43 cases.

The Government did not restrict the access of undetained asylum seekers to the UNHCR office and cooperated in the resettlement of some refugees. However, the Government only infrequently granted the UNHCR and other humanitarian organizations access to detained aliens. There were some forced expulsions of asylum seekers and refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

By law citizens have the right to change their government through periodic elections; however, while votes generally are recorded accurately, there are some irregularities that affect the fairness of elections, and in practice opposition parties are unable to compete on equal terms with the governing coalition (which has held power at the national level since 1957) because of significant restrictions on campaigning, freedom of assembly, and freedom of association. Nevertheless opposition candidates campaign actively, with some success in state and national elections. In the November 1999 elections, the opposition roughly doubled its strength to 25 percent of federal parliamentary seats and an opposition party retained control of the Kelantan state government (the opposition won control of one state government in the 1995 elections) and took over the state government of Terengganu. In December the opposition won a seat in the Kedah state assembly in a tightly contested by-election.

Malaysia has a parliamentary system of government. National elections are required at least every 5 years and have been held regularly since independence in 1957. The Malay-based United Malay National Organization party dominates the ruling National Front coalition, which has ruled the country continuously since independence. Since 1969 the National Front coalition always has maintained at least a two-thirds majority in Parliament, which enabled the Government to amend the Constitution at will. Over the years, power increasingly has been concentrated in the executive branch, and the Prime Minister.

The lack of equal access to the media was the most serious problem encountered by the opposition in the November 1999 elections (see Section 2.a.). Government officials frankly stated that government television and radio would not carry reporting on the opposition. The country's two private television stations also had virtually no impartial reporting on the opposition. The mainstream English-language and Malay-language newspapers also carried biased coverage of domestic politics. In addition opposition parties encountered difficulties in placing paid advertisements in newspapers; however, a few opposition advertisements did appear, after editing by the newspapers, in English- and Chinese- language newspapers. On-line newspapers and political websites, which tend to express an independent perspective, grew in popularity during the year.

Opposition leaders credibly claimed that the Election Commission, which is responsible for holding and monitoring elections, did not carry out its duties impartially. The Election Commission is nominally independent, but perceived widely by the opposition to be under the control of the Government. In June 1999, Deputy Prime Minister and Home Minister Datuk Seri Abdullah Badawi said that there was no need to consult the opposition on the appointment of a new election commission chairman. Opposition leaders said that Prime Minister Mahathir's remark that same month that the Government would "not entertain" an opposition demand for a long campaign period in upcoming elections demonstrated the lack of independence of the Election Commission (the Commission has the sole power to set the length of the campaign period). After the 1999 elections, several government officials publicly disputed opposition claims that the Election Commission was biased. Some members of the ruling coalition charged that individual Commission officials supported opposition candidates. The results of the election were released officially in January.

Opposition complaints of irregularities by election officials and allegations of other election fraud during the 1999 campaign were not substantiated during the year, and according to most observers, there was no evidence that the conduct of election officers significantly affected the results of the elections. Opposition leaders also complained that local government officials who served as election officers were not

always neutral. For example, in July 1999, the opposition National Justice Party filed a complaint with the Election Commission, accusing a district officer in the State of Perak of participating in an UMNO party event. The Election Commission later announced that it completed its investigation, but it did not reveal its findings. The Government did not permit international monitoring or adequately allow for domestic NGO monitoring efforts during the elections. (The last time that foreign observers monitored elections was in 1990.)

Opposition parties and some NGO's also alleged that defective voting rolls led to some fraudulent votes. In the Sabah state elections in March 1999, opposition leaders accused the ruling coalition of employing "phantom" voters (illegal aliens and other fraudulently documented voters). NGO's analysis of the voting roll used in the national elections also revealed irregularities, such as dead persons on the rolls, multiple voters registered under single identity card numbers, and other anomalies; however, according to most observers, there is no evidence that these irregularities significantly affected the results in more than a handful of races. The Government did not respond to postelection calls by an election-monitoring NGO for a national reregistration exercise to produce a clean electoral roll.

"Postal votes," or absentee ballots by police and military personnel and their spouses, also are a concern. The Government, citing security concerns, does not allow party agents to monitor absentee ballot boxes placed on military and police installations. Opposition parties questioned the rationale for such security restrictions. Opposition parties and NGO's have raised credible allegations of improper manipulation of postal votes, including statements by former military personnel that their ballots were filled out by others or under the eye of commanding officers. For the November 1999 elections, the Election Commission changed some procedures to allow better monitoring by Election Commission officers. Opposition parties continued to call for monitoring of postal votes by party agents. Election Commission officials estimated before the November election that roughly 235,000 postal votes would be cast. No count of the actual number of postal votes was published by year's end.

The anonymity of balloting also is a potential concern. Ballots are marked with a serial number that could be matched against a voter's name. While there is no evidence that the Government ever has traced individual votes, some opposition leaders have alleged that the potential to do so has a chilling effect on some voters, particularly civil servants.

Gerrymandering diluted the votes of some citizens. The Constitution states that parliamentary constituencies should have roughly equal numbers of eligible voters, although the same section states that greater weight should be given to rural constituencies. In practice these guidelines often are ignored. For example, in Sabah constituencies are weighted strongly against the state's large Christian population. Nationwide, the constitutional provision giving greater weight to rural constituencies greatly dilutes the voting power of urban residents. The single member, winner-take-all system also diminishes the political power of the minority groups. Because of the changing dynamics of ethnic politics, ethnic gerrymandering of parliamentary constituencies, used against the opposition in the past, is believed to no longer be as great an advantage to the ruling coalition.

Other government measures hamper the opposition's ability to compete with the incumbent ruling coalition. For example, the Government on several occasions issued public warnings to civil servants, including teachers (see Section 2.a.) not to support the opposition. Students face certain restrictions on political activity (see Section 2.b.). Government leaders routinely and openly threatened to suspend the allocation of federal funds beyond the constitutionally mandated minimum to constituencies that elected opposition representatives. Ruling coalition Members of Parliament received a government allocation totaling in aggregate roughly \$25 million (95 million ringgit). Opposition Members of Parliament receive no such funds. In July 1999, a government minister told Parliament that the money only was given to ruling coalition Members of Parliament because it came from the Government.

The opposition has complained in the past about restrictions on public assemblies during the campaign period (see Section 2.b.). However, in the period prior to the November 1999 elections, police did not implement restrictions vigorously, and the opposition held many large rallies. The opposition also has stated that the short official campaign period gives an advantage to the incumbent ruling coalition. However, de facto campaigning began long before the elections, and there is little evidence that the short official campaign period had much practical effect.

In August 1999, Prime Minister Mahathir stated that the ruling coalition's failure to win a two-thirds majority in Parliament in 1969 had resulted in widespread rioting and said that if a "weak government" were elected, "the peace of the country could not be guaranteed." Opposition leaders complained that these statements were

a threat to instigate violence if the ruling coalition should lose the two-thirds majority in the upcoming elections. Opposition leader Lim Kit Siang called on the Government to pledge to accept the results of the upcoming election. The Government did not respond.

Prime Minister Mahathir said in June 1999 that he expected the November 1999 elections to be "the dirtiest ever." For different reasons, the opposition expressed similar fears. The Government did not respond to the opposition's call for an election code to ensure that these elections would be free, fair, and clean. A group of NGO's formed an independent elections watch organization. The Election Commission stated that the NGO's were free to do so, but the organization was accorded no special privileges. (The law does not provide for monitoring of polling stations except by political party agents.) In June 1999, the Government publicly rejected the idea of foreign observers. The Government also rejected opposition calls for foreign observers in Sabah state elections in March. After the election, the Prime Minister continued to allege that the opposition engaged in unfair tactics, including slander.

Under the electoral law, unsuccessful candidates may appeal election results to special election courts in instances of alleged fraud, vote tampering, or other infractions of electoral rules. After the November 1999 elections, 21 petitions were filed by losing candidates from both the ruling and opposition coalitions. According to the Elections Commission, all petitions were dismissed. In March the High Court ruled that the Election Commission and returning officers may not be named as "necessary parties" in petitions filed with election courts by unsuccessful candidates. In April the Cabinet approved the creation of an election appellate court to provide an additional opportunity to seek redress for unsuccessful candidates whose election petitions were denied by election courts. Also in April, the Cabinet approved the creation of an Election Appellate Court to provide an additional opportunity to seek redress for unsuccessful candidates whose election petitions were denied by election courts. All remaining election appeals from the 1999 Sabah state elections in which opposition parties filed objections to the results of 17 of 48 seats were dismissed by election courts or withdrawn by the parties during the year.

In the past, within the ruling UMNO party, there had been active political debate. "No-contest" rules for leadership positions and generally increased intolerance of dissent limited but did not eliminate UMNO's role as a vehicle for public debate. However, after the removal of Deputy Prime Minister Anwar in 1998, intolerance of dissent within UMNO increased, and an extraordinary UMNO Assembly in 1998 approved a series of measures designed to limit independent grassroots initiatives. During the year, there were no contests for the top two leadership positions in UMNO. At the UMNO General Assembly in May, 3 vice president slots and 25 elected seats on the Supreme Council were contested vigorously, with a number of candidates known not to be favored by party leaders. It had been announced before the General Assembly that there would be no contest for the party president and deputy president, positions held respectively by Prime Minister Mahathir and Deputy Prime Minister Abdullah.

Over the years, Parliament's function as a deliberative body has deteriorated. Legislation proposed by the Government rarely is amended or rejected. Legislation proposed by the opposition never is given serious consideration; however, during the 1999 elections, the opposition increased the number of seats it held. Opposition opportunities to hold legislation up to public scrutiny have diminished. The Parliament in 1995 amended its rules to strengthen the power of the Speaker and curb parliamentary procedures heavily used by the opposition. The amendments empowered the Speaker to ban members he considered unruly for up to 10 days, imposed limits on deputies' ability to pose supplementary questions and revisit nongermane issues, and established restrictions on the tabling of questions of public importance. Further measures in 1997 and 1998 limited members' opportunities to question and debate government policies even more severely. Nonetheless, government officials often faced sharp questioning in Parliament, although this was not always reported in detail in the mainstream press.

State assemblies also limited debate. After the 1969 intercommunal riots, the Government abolished elected local government in favor of municipal committees and village chiefs appointed by state governments. Some politicians and NGO activists have advocated reintroduction of local government. Even some ruling party municipal officials have noted that local bodies are simply "rubber stamps" for the Government.

Women face no legal limits on participation in government and politics; however, they remain underrepresented in government and politics due to social and other factors. At year's end, 2 of 28 cabinet ministers were women. Women hold 20 of 193 seats in the elected lower house of Parliament, and they hold 19 of 69 seats in the appointed upper house. In May Datuk Dr. Zeti Akhtar Aziz assumed the post of

Central Bank Governor. She is the first woman to be appointed to the post. On December 19, the King announced the appointment of Ainum Mohamed Saaid as the new Attorney General, the first woman to hold this position. Ainum is to serve as the Government's top legal advisor and as the Public Prosecutor, with wide discretionary powers for a 2-year term beginning on January 1, 2001. In 1998 the Minister of National Unity and Social Development stated that the country would not achieve its goal of 30 percent female representation in the Government by 2005. The Minister stated that the 1998 rate of participation (defined as the percentage of female representatives in Parliament and in state assemblies) was 6 to 7 percent. The Islamic opposition party does not allow female candidates to stand as candidates for the lower house; however, the Party has one female senator. In the past, it has supported female candidates of other parties.

Ethnic minorities are represented in cabinet-level positions in Government, as well as in senior civil service positions. Nevertheless, the political dominance of the Malay majority means in practice that ethnic Malays hold the most powerful senior leadership positions. Non-Malays fill 9 of the 26 cabinet posts and 14 of 28 deputy minister positions. An ethnic Chinese leader of a component party of the ruling coalition holds executive power in the state of Penang.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of NGO's, including the Bar Council and other public interest groups, devoted considerable attention to human rights. The Government generally tolerates their activities but often does not respond to their inquiries or press statements. However, Government officials met with NGO's on several occasions during the year. The results of these meetings were not made public. Government officials harshly criticize domestic NGO's for collaborating with foreigners, including international human rights organizations. However, at year's end, no group had been banned or decertified. In the past, public apathy and racial divisions (non-Malays had dominated most human rights NGO's) limited the effectiveness of NGO's. However, public discontent over the 1998 removal of and subsequent imprisonment of Deputy Prime Minister Anwar encouraged some NGO's to speak out against the Government, and it has led to the increased involvement of ethnic Malays in NGO activity.

In 1998 the Government amended the Companies Act to grant the Registrar of Companies wide powers to block or disband organizations deemed prejudicial to national security or the national interest. In May 1999, the Government announced that it was planning to table amendments to the Registration of Businesses Act to enable the Government to track the activities and movements of organizations registered under the act (see Section 2.b.).

The Government generally does not allow international human rights organizations to form branches; however, it generally does not restrict access by representatives of international human right organizations. AI has registered itself as a private company. A February 1999 report issued by the IPU on prison conditions (see Section 1.c.) noted that, while the Government welcomed the December 1998 investigative mission, the IPU delegation was not able to make important appointments and was not allowed to meet privately with Lim Guan Eng. Several foreign human rights observers have attended sessions of Anwar's two trials.

Government officials reacted sharply to a report entitled "Justice in Jeopardy: Malaysia in 2000," which was issued early in the year by the International Bar Association, the Centre for the Independence of Judges, and lawyers from the International Commission of Jurists, the Commonwealth Lawyers Association, and the International Lawyers Union. The report was the result of the findings of a three-man team that spent 10 days in Malaysia in April 1999. The report concluded that "the extremely powerful Executive in Malaysia has not acted with due regard for the essential elements of a free and democratic society based on the rule of law."

In early April, the Government announced that former Deputy Prime Minister Musa Hitam would head the National Human Rights Commission provided for in legislation passed by Parliament in July 1999. Twelve other members also were named, including retired jurists, consumer activists, and academics. The commission's functions and powers include promoting awareness of human rights, helping the Government to draft laws and regulations concerning human rights, advising the Government on acceding to human rights treaties, inquiring into human rights complaints, inspecting places of detention, and hearing witnesses and receiving evidence on human rights questions. The legislation that created the commission defines human rights as "the fundamental liberties provided for" in the federal Constitution and restricts the application of the Universal Declaration of Human Rights to those provisions consistent with the Constitution. In 1999 prior to the commis-

sion's creation, opposition leaders and NGO's, including the Bar Council, criticized the definition of human rights as too narrow. They also were skeptical of the Government's pledges that it would be independent. In May the commission announced four working groups: One to promote human rights awareness and education; a second to advise and assist the Government in formulating legislation and procedures; a third to make recommendations to the Government on accession to treaties and other international human rights instruments; and a fourth to investigate complaints of human rights violations. The commission received its first complaint in April from three NGO members in Penang, who claimed that they were mistreated by police after being arrested during a rentcontrol protest in February. Later in April, the commission announced that it would investigate reports of abuse received by demonstrators detained during the April 15 demonstration in support of Anwar Ibrahim (see Sections 1.c. and 2.b.). In early August, Musa Hitam publicly supported the right of citizens to assemble peacefully outside the courthouse at which the verdict in Anwar Ibrahim's sodomy trial was to be announced (see Section 2.b.). (Police did not interfere with three members of the commission who observed the demonstrations outside the courthouse on August 8.) During the year, the Commission met with human rights NGO's, government ministries, representatives from the ruling, and opposition parties, and recommended that human rights issues and problems be incorporated into school curriculums. The commission also met several times with senior police officials, who agreed to allow the commission to provide human rights training to the police. However, the commission is not empowered to inquire into allegations relating to ongoing court cases. In December the Human Rights Commission opened an inquiry into and took public testimony about allegations of police misconduct during a November 5 rally organized by the opposition. It also must cease its inquiry if an allegation under investigation becomes a subject matter of a court.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal protection under the law and prohibits discrimination against citizens based on religion, race, descent, or place of birth; however, discrimination based on some factors persists. For example, government policies give preferences to ethnic Malays in housing, home ownership, the awarding of government contracts, educational scholarships, and other areas. Although neither the Constitution nor laws explicitly prohibit discrimination based on sex or disabilities, the Government has attempted to eliminate discrimination against women and promote greater public acceptance of the disabled.

Women.—Violence against women remains a problem, although statistics indicated that the problem has decreased during the year. Reports of rape are common in the press and among women's rights groups and NGO's, although the Government has not released comprehensive statistics. In December 1999, a women's NGO issued a report that stated that the incidence of rape had increased 48 percent in the 5-year period from 1993 to 1998 more than 50 percent of rape victims are under age 16. Statistics from the Royal Malaysian Police show 1,217 reported cases of rape during the year. Many hospitals have set up crisis centers where victims of rape and domestic abuse can make reports without going to a police station. NGO's and political parties also cooperate in providing counseling for rape victims. Nonetheless, cultural attitudes and a perceived lack of sympathy from the largely male police force lead many victims not to report rapes. According to an NGO study involving 417 court files from 7 state capitals and Kuala Lumpur, even when alleged rape is reported, only one of five cases is heard in court. Only half of the court cases resulted in a rape conviction. Some rapists receive heavy punishments, including caning, but women's groups complain that some rapists receive inadequate punishments. Section 376 of the Penal Code stated that a convicted rapist shall be punished with imprisonment for a term not less than 5 years and not more than 20 years.

Spousal abuse has drawn considerable government, NGO, and press attention. Awareness of the severity and prevalence of this problem is growing and may be leading to a decrease in its incidence. In 1990 the only national survey ever conducted on battered women showed that 1.8 million women (approximately 39 percent of respondents) above the age of 15 had been beaten physically by their husbands or boyfriends. A local women's NGO and a well-known social marketing company conducted the survey using a nationally representative random sampling of adults residing in peninsular Malaysia in 1989. However, statistics released at year's end by the Royal Malaysian Police show that 3,468 cases of domestic violence were reported during the year, which represents nearly a 10 percent decrease in the number of reported cases compared to 1999 (3,806).

The 1996 Domestic Violence Act addresses violence against women in the home. However, women's groups criticized the act as inadequate and called for amendments to strengthen it. In their view, the act fails to protect women in immediate danger by requiring separate reports of abuse to be filed with both the Welfare Department and the police. This requirement causes delay in the issuance of a restraining order against the perpetrator. Women's rights activists also highlighted the fact that because the act is a part of the Penal Code, legal protection for victims is limited to cases in which visible evidence of physical injury is present, despite its interpretation to include sexual and psychological abuse. In April the Government announced that the Domestic Violence Act would be reviewed to determine weaknesses in the law and eliminate legal loopholes; however, the Government had taken no action by year's end.

Although the Government, NGO's, and political parties have formed shelters and offer other assistance to battered spouses, activists asserted that support mechanisms remain inadequate. Police responses to complaints of domestic violence were more professional and sensitive than in previous years, but problems remained and cultural attitudes are still an impediment.

Domestic violence complaints are rare in Islamic law (Shari'a) courts (six cases in 1997). Some Shari'a experts have urged Muslim women to become more aware of the provisions of Shari'a that prohibit spousal abuse and provide for divorces on grounds of physical cruelty. Nonetheless, Shari'a generally (each state has a separate code) prohibits wives from disobeying lawful orders of their husbands. These provisions often present an obstacle to women pursuing claims, including charges of abuse, against their husbands.

Spousal rape is not a crime. Theoretically a man who raped his wife could face charges of assault; however, women's rights activists claim that no man has been convicted in such circumstances.

A 1998 International Labor Organization (ILO) study estimated that there were roughly 40,000 to 140,000 prostitutes in the country. The Government strongly disputed this estimate, and the police stated that they would investigate NGO's that might have provided the information that formed the basis of the study. However, from January through August alone, the Royal Malaysian police arrested 2,338 foreign prostitutes (see Section 6.f.). Sex tourism is not legal, and the level of such activity is not high.

A women's rights NGO stated in 1998 that the economic downturn had forced more local women into prostitution. In February 1999, the press reported a 1998 study by the national population and family development board that showed that the economic downturn had decreased the demand for prostitution.

The same women's rights NGO cited government statistics showing an upturn in the number of arrests for prostitution. A government source substantiated this claim by noting that the increase in arrests was due to more vigorous enforcement. Police also believed that the increasing number of arrests was a result of greater numbers of women being brought to the country from countries of the former Soviet Union (see Section 6.f.).

Malaysia is a source, transit, and destination country for trafficking in women for purposes of prostitution (see Section 6.f.).

In August 1999, the Ministry of Human Resources issued a Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace. Women's groups noted the code's detailed definition of sexual harassment and attempted to raise public awareness of the problem, but they criticized the fact that adherence to the code is voluntary and not legally binding. The Code of Practice has no legal effect and earlier plans for a sexual harassment law apparently have been abandoned. Women's rights activists claimed that a law on sexual harassment would be more effective than a code of practice. In the first year following the issuance of the code, the Human Resources Minister asked women's groups and labor unions to give the code "a chance to work." He advocated voluntary compliance by employers and advised unions to incorporate policies against sexual harassment into their collective labor agreements. The Malaysian Employers Federation has criticized publicly any attempt to legislate against sexual harassment in the workplace, arguing that government-imposed policies would unduly restrict the management of labor relations.

Since the code was introduced in August 1999, the number of reported incidents of sexual harassment has risen. The Labor Department reported that since the initiation of the code, it received two to three reports of sexual harassment per week. This was a large increase over 1998, during which the Ministry of Human Resources received only 6 reports of sexual harassment cases in the first 6 months of that year, and only a total of about 30 since 1996. However, there are still many cultural obstacles to women who try to pursue sexual harassment charges.

Despite increased public awareness of the problem of sexual harassment in the workplace, the Government acknowledged in August that the reluctance of employers to adopt the code may force it to enact additional legislation regarding sexual harassment. A year after it was enacted, only 99 companies in the country had adopted the code. A coalition of 64 women's rights groups compiled a memorandum with over 12,000 signatures proposing that the Government make the code legally binding. Upon receipt of the memorandum, the Human Resources Minister stated that his Ministry would form a committee to include women's rights activists, employers, union representatives, and ministry officials to study the request. The Government made no decision on whether to enact legislation against sexual harassment by year's end.

Women continue to be the victims of legal discrimination. The cultural and religious traditions of the major ethnic groups also heavily influence the condition of women in society. In family and religious matters, Muslim women are subject to Shari'a. Polygyny is allowed and practiced to a limited degree. Islamic inheritance law varies by state, but it generally favors male offspring and relatives. However, one state, Negeri Sembilan, provides for matrilineal inheritance. The number of women obtaining divorces under the provisions of Shari'a that allow for divorce without the husband's consent, while small, is increasing steadily.

In August the Deputy Prime Minister announced that mothers may now sign official documents on behalf of their minor children, a significant change from past government policy, under which only a father's signature legally was recognized on official documentation. The Government publicized the decision as an attempt to eliminate sexual discrimination in government policies. Women's rights activists pointed out that the decision recognized women's equality with men under the law. The policy change is likely to confer the largest benefit on single mothers who are estranged from their husbands. In announcing the change, the Deputy Prime Minister stated that existing legislation did not require amendment; only administrative procedure would change. This administrative change was implemented in December.

There were complaints about the treatment of women by Islamic courts. A 1998 report on women and the law published by a coalition of women's NGO's defined two basic problems: prejudicial interpretation of Islamic family law against women; and the lack of uniformity in the implementation of family laws among the various states. An April 1999 press report described complaints by NGO's and women's groups of rude and insensitive treatment by staff and officers of Islamic courts. In May 1999, the women's wing of UMNO stated that it would act to help accelerate and improve the handling of women's problems by Islamic courts.

Muslim couples are required to take premarital courses. In previous years, women's activists claimed that in some instances the courses, as implemented, perpetuated gender discrimination by misinforming women of their rights in marriage. There were no reports during the year of such misinformation regarding marriage rights.

State governments in Kelantan and Terengganu, which are controlled by the Islamic opposition party, made efforts to restrict Muslim women's dress during the year. In March the Terengganu state government introduced a dress code for government employees and workers on business premises. Terengganu's executive counselor in charge of women's and non-Muslim's affairs claimed that the dress code was designed to protect the image of Muslim women and promote Islam as a way of life. Several women's NGO's criticized the state government's decision as depriving women of personal choice. One Muslim women's NGO criticized the new requirement, stating that forced compliance with a state-mandated dress code is not consistent with the values of the Koran.

On March 23, Muslim women working in food stalls and video rental stores in Kelantan were fined about \$8 (30 ringgit) for not wearing a head covering. The maximum fine for individual offenders is about \$66 (250 ringgit), and the state government warned that employers with repeat offenders may lose their operating licenses.

Non-Muslim women are subject to civil (secular) law. Changes in the Civil Marriage and Divorce Act in the early 1980's increased the protection of married women's rights, especially those married under customary rites. The Guardianship of Women's and Infants Act was amended in July 1999 to give mothers equal parental rights. Four states extended the provisions of the amended bill to Muslim mothers. Women's groups urged all states to do the same. In June 1999, the Land and Cooperative Development Ministry announced that it was considering amending the Group Settlement Act to give wives of settlers a stake in the land awarded to their husbands. The Group Settlement Act had not been amended by year's end.

Government policy supports women's rights and the Government has undertaken a number of initiatives to promote equality for women. Specifically the Government

promotes the full and equal participation of women in education and the work force. Women are represented in growing numbers in the professions, but women's groups argue that the level of participation is still disproportionately low. In the scientific and medical fields, women make up more than half of all university graduates and the total representation of women at universities increased from 29 percent in 1970 to one-half of the student population in recent years. According to statistics released in June in the Government's Economic Report 2000–2001, which is published by the Ministry of Finance, women constitute 44 percent of the labor force. The proportion of women in the civil service has risen from roughly 33 percent in 1990 to roughly 41 percent and women occupy some high-ranking civil service positions. In April 1999, Malaysian Trade Union Congress President Zainal Rampak urged trade unions to fulfill the ILO policy of filling 30 percent of leadership positions with women; however, current statistics were not disclosed.

Children.—The Government has demonstrated a commitment to children's rights and welfare; it spends roughly 20 percent of the national budget on education. The Government provides free education for children through the age of 15. Although primary education is deemed compulsory by the Government, there is no legal requirement or enforcement mechanism governing school attendance. Actual attendance at primary school is 96 percent. Secondary school attendance is 82 percent. A variety of programs provide low cost health care for most children. An office in the Ministry of National Unity and Social Development oversees children's issues.

In December Parliament passed the Child Act of 2000. The Act incorporates the 1989 principles of the U.N. Convention of the Rights of the Child, which the Government ratified in 1995. The act stipulates heavier punishments for child abuse, molestation, neglect, and abandonment. It also mandates the formation of a children's court, which, the Government stated, would better protect the interests of children. The bill allows caning, but this punishment is limited to male children, who may receive a maximum of 10 strokes with a "light cane." The new law repealed three other laws governing child prostitution, child abuse, and delinquency, including the Women and Girls Protection Act, the Juvenile Courts Act, and the Child Protection Act.

The Government recognizes that sexual exploitation of children and incest are problems. Incest in particular is a problem in rural areas. Child abuse receives wide coverage in the press. The Government sternly prosecutes cases of child abuse, and child molesters receive heavy jail sentences and caning. However, under the Evidence Act, the testimony of children is accepted only if there is corroborating evidence. This poses special problems for molestation cases in which the child victim is the only witness. Some judges and others have recommended that the Evidence Act be amended to accept the evidence of children and that courts implement special procedures to hear the testimony of children. The Ministry of National Unity and Social Development reported that in 1997 there were 1,117 reported cases of child abuse, while from January through August 1998 there were 600 cases. In August 1999, a physician who studies child abuse acknowledged publicly that sexual abuse of children occurred in the country.

Statutory rape occurs and is prosecuted. However, Islamic law provisions that consider a Muslim girl an adult after she has had her first menstruation sometimes complicate prosecution of statutory rape. Such a girl may be charged with "khalwat" or "close proximity" (the charge usually used to prosecute premarital or extramarital sexual relations), even if she is under the age of 18 and her partner is an adult. Thus, Shari'a sometimes punishes the victims of statutory rape. Moreover, Shari'a courts sometimes are more lenient with males who are charged with "close proximity." However, in many cases Muslim men are charged and punished for statutory rape under secular law.

Female genital mutilation (FGM) is condemned widely by international health experts as damaging to both physical and psychological health. According to a well known women's NGO activist, some girls in provincial areas are subject to varying forms of FGM. Some Malay girls receive a tiny ritual cut to the clitoris or participate in a ceremony where a blade is brought close to the clitoris. Almost all Malay women, including Muslim women's activists, do not believe that this constitutes mutilation or reduces a woman's future capacity for sexual pleasure.

Child prostitution exists. However, child prostitutes often are treated as delinquents rather than victims. In 1998 the Minister of National Unity and Social Development stated that 150 to 160 underage girls are detained each year for involvement in immoral activities and sent to rehabilitation centers. Authorities prosecute traffickers in child prostitution vigorously. Statistics for apprehension of traffickers are not available (see Section 6.f.).

Child labor occurs in certain areas of the country (see Section 6.d.).

People with Disabilities.—The Government does not discriminate against physically disabled persons in employment, education, and provision of other state services. However, few public facilities are adapted to the needs of the disabled, and the Government has not mandated accessibility to transportation or public buildings for the disabled. In August 1999, former Minister of National Unity and Social Development Zaleha said that only 10 percent of residential and commercial buildings were “disabled-friendly.” In September 1999, Zaleha announced a cabinet decision to require that 10 percent of houses in all new housing projects be disabled friendly. In December 1999, Zaleha reportedly said that “all buildings” would be made accessible to the disabled within 2 years.

The Government increased efforts to address the needs of persons with disabilities during the year. In October the Ministry of Housing and Local Government announced that the uniform building by-laws of 1984 would be amended to ensure that all newly constructed buildings include a full range of facilities for the disabled, including special parking lots, elevators, and restrooms. In November the Human Resources Ministry announced plans to draft a code of ethics for employers by 2001 to address the needs of the disabled including additional employment opportunities, job discrimination, and disabled-friendly work environments. In addition the 2001 federal budget includes several provisions to ease financial burdens on disabled citizens and improve work, education, and training opportunities. In November the Human Rights Commission recommended amending the Constitution’s antidiscrimination provision to include legal protection for people with disabilities.

Special education schools exist, but they are not sufficient to meet the needs of the disabled population. The Government and the general public are becoming more sensitive to the needs of the physically disabled. The Government has undertaken many initiatives to promote public acceptance of the disabled, to make public facilities more accessible to disabled persons, and to increase budgetary allotments for programs aimed at aiding them. Provisions for the disabled in the 2001 budget include several allowances for tax relief for working spouses of disabled persons, full exemption for all medical fees at government hospitals, and full exemption on fees for travel documents. All equipment designed specifically for use by disabled persons would also be exempt from all import duties and sales taxes. Recognizing that public transportation is not disabled-friendly, the Government is reducing the excise duty for disabled persons on locally made cars and motorcycles by 50 percent.

In August 1999, an NGO representing the disabled stated that the disabled make up 7 percent of the population. The NGO urged the Government to increase its support for the disabled. Disabled persons do not enjoy explicit legal protection against discrimination.

Indigenous People.—Indigenous groups and persons that are the descendants of the original inhabitants of peninsular Malaysia and the Borneo states) generally enjoy the same constitutional rights as the rest of the population. However, in practice federal laws pertaining to indigenous people vest almost total power in the minister responsible for indigenous people (the Minister of National Unity and Social Development during the year) to protect, control, and otherwise decide issues concerning them. As a result, indigenous people, particularly in peninsular Malaysia, have very little ability to participate in decisions.

Under the 1954 Aboriginal People’s Act (amended in 1974), indigenous people in peninsular Malaysia (known as Orang Asli), who had been granted land on a group basis, had no right to own land on an individual basis or to receive titles to land. The Social Development Ministry announced in 1996 that state governments, which make decisions affecting land rights, had agreed to issue titles to Orang Asli. Amendments were drafted to enable Orang Asli to hold titles on an individual basis. Finance Minister Tun Daim Zainuddin announced in May 1999 that a total of 314,715 acres of land would be reserved for Orang Asli. The Government urged the states to follow up on Daim’s announcement. The leader of a leading Orang Asli NGO welcomed the announcement, but urged the Government to proceed quickly. The NGO pointed out that the total area of land actually reserved for Orang Asli had declined, not increased, since 1990.

Surveying and transfer of title apparently has proceeded very slowly; however, during the year a number of Orang Asli received land titles, and several state governments announced that land was being set aside for Orang Asli. The 2001 federal budget provides for a \$26 million (100 million ringgit) allotment to the Orang Asli community to eradicate poverty, improve education and social welfare, and improve infrastructure of resettlement villages. In addition National Unity and Social Development Minister Siti Zaharah Sulaiman announced in November a “stay in school” program to address the increasing number of school drop-outs in the Orang Asli community. The Government allocated \$1.2 million (4.8 million ringgit) for the project.

The uncertainty surrounding Orang Asli land ownership makes them vulnerable to exploitation. There were many reports of Orang Asli who were cheated, misled, or otherwise exploited by land developers. In some cases, the Orang Asli have sued. In the state of Pahang, about 200 Orang Asli held a protest demonstration in September over land disputes. The state government said that it would give serious attention to their complaints.

Although state law recognizes the right of indigenous people to land under "native customary rights," in the eastern part of the country, the definition and extent of these lands are in dispute. Indigenous people in the state of Sarawak continued to protest the alleged encroachment by state and private logging and plantation companies onto land that they consider to be theirs because of customary rights. Laws allowing condemnation and purchase of land did not require more than perfunctory notifications in newspapers to which indigenous people may have no access. The result was that many indigenous people were deprived of their traditional lands with little or no legal recourse. In May the Sarawak state assembly passed amendments to the state land code that the state government said would increase the rights of indigenous people to exert control over their traditional lands. A group of NGO's disputed the government's characterization of the legislation and stated that it would in fact further diminish the ability of indigenous peoples to defend their rights on land issues. Indigenous people displaced by the Bakun Dam project in Sarawak continue to protest the lack of transparency in the resettlement process, inadequate compensation for their lands and homes, and destruction of their traditional way of life. However, the state government dismissed these complaints, claiming that only the older generation have reservations about the resettlement program.

In November the Human Rights Commission received complaints from three different groups representing the indigenous Iban and Penan peoples in Sarawak. The indigenous groups alleged that they were being victimized by logging companies illegally encroaching on their lands. One Penan group submitted a report of written testimonies entitled, "Not Development, but Theft," detailing how logging companies use police force and intimidation to appropriate land from indigenous communities. The Human Rights Commission pledged to investigate the matter with the state government of Sarawak and the indigenous communities. The commission also announced its intention to inquire about the use of police force by the logging companies (see Section 1.c.).

The Orang Asli, who number roughly 100,000, are the poorest group in the country; however, according to government officials, Orang Asli gradually are attaining comparable levels of standards of living as other citizens, and the percentage of Orang Asli who lead nomadic lifestyles has dropped to less than 40 percent. Government development projects for the Orang Asli are announced from time to time. However, according to press reports, the head of an NGO working with Orang Asli said in May that school dropout rates among Orang Asli had increased markedly over previous years, and the percentage of Orang Asli living below the poverty line was increasing as well. Several NGO's complained that Orang Asli were compensated inadequately after they were displaced by a dam project in the state of Selangor.

The trial of a group of Iban tribesmen charged with the 1999 murder in Sarawak of four Chinese workers who worked for a company that was encroaching on their land to establish a palm oil plantation continued. The case still was pending in court at year's end.

National/Racial/Ethnic Minorities.—The Government implements extensive preferential programs designed to boost the economic position of the Malay majority, which remains poorer on average than the Chinese minority. Such preferential programs and policies limit opportunities for nonMalays in higher education, government employment, business permits and licenses, and ownership of land. According to the Government, these programs have been instrumental in ensuring ethnic harmony and political stability. Ethnic Indian Malaysians continued to lag behind in the country's economic development. The Chinese minority does not benefit from the preferential policies that benefit ethnic Malays.

Public questioning of the preference rights of ethnic Malays is a sensitive issue. Senior UMNO officials have warned non-Malays against "playing with fire." In August a group of youth members of UMNO became unruly at a rally held outside a Chinese assembly hall in the wake of public comments by a Chinese association that allegedly questioned the granting of special rights and privileges for Malays. Some of the demonstrators threatened to burn down the hall. Chinese groups in the ruling coalition demanded action against the perpetrators. The Government had taken no action by year's end.

Section 6. Worker Rights

a. The Right of Association.—By law most workers have the right to engage in trade union activity, but less than 10 percent of the work force is represented by one of the country's 544 trade unions. Exceptions include certain limited categories of workers labeled "confidential" and "managerial and executive," as well as defense and police officials. Within certain limitations, unions may organize workplaces, bargain collectively with employers, and associate with national federations. No legal barrier prevents foreign workers from joining a trade union; however, the Immigration Department places conditions on foreign workers' permits that effectively bars them from joining a trade union (see Section 6.e.).

The Trade Unions Act prohibits interfering with, restraining, or coercing a worker in the exercise of the right to form trade unions or in participating in lawful trade union activities. However, the act restricts a union to representing workers in a "particular establishment, trade, occupation, or industry or within any similar trades, occupations, or industries," contrary to International Labor Organization (ILO) guidelines. The Director General of Trade Unions may refuse to register a trade union and, in some circumstances, may also withdraw the registration of a trade union. When registration has been refused, withdrawn, or canceled, a trade union is considered an unlawful association. The Government justifies its overall labor policies by positing that a "social compact" exists wherein the Government, employer, and worker are part of an overall effort to create jobs, train workers, boost productivity and profitability, and ultimately provide the resources necessary to fund human resource development and a national social safety net. Trade unions from different industries may join in national congresses, but the congresses must register as societies under the Societies Act (see Section 2.b.).

In January 1999, the Trade Unions Department reported that in 1998 it had issued notices to 206 trade unions threatening them with deregistration for failing to submit reports of their accounts. A leading trade union leader said that he was "puzzled" by the Trade Union's Department statement and would seek further clarification. Also in February 1999, the Human Resources Minister said publicly that union members' complaints against union leaders were increasing, and the Human Resources Minister said that the Government would amend the Trade Unions Act to make all principal officers of a union liable if the union commits any wrongdoing (now only the secretary general is liable). There were no reports that these amendments were adopted during the year. Some trade unionists claimed that unions that defy government policies face more intense scrutiny, potentially leading to deregistration. However, there were no reports that unions were deregistered.

In September 1999, Malaysian Trade Union Congress (MTUC) leader Zainal Rampak complained about delays in registering new unions, and said that new unions often faced delays of several years in registering. Zainal called on the Government to amend the Industrial Relations Act to allow automatic union recognition. In February Zainal said that approximately 100 unions had not been recognized by their employers, despite provisions under the Industrial Relations Act that require an employer to recognize a union within 21 days.

The MTUC continued to call on the Government to ratify ILO Convention 87, which provides for the freedom to join a union; at year's end, the Government still had not done so.

Government policy inhibits the formation of national unions in the electronics sector; the Government believes that enterprise-level unions are more appropriate for this sector. In 1997 the MTUC dropped its longstanding objection to this practice, stating that it would be better for the workers to have the in-house unions "than none at all." In February the Minister for Human Resources said that employers should not obstruct the formation of in-house unions. In November MTUC secretary general G. Rajasekaran expressed disappointment that 150,000 electronics workers were still unable to organize. At that time, only eight in-house unions had been formed, according to the MTUC. Collective bargaining agreements are limited in those companies designated as "pioneer status." According to the ILO, the Government has been promising to repeal this statute since 1994.

Even in-house unions sometimes face difficulties. For example, in 1999 an electronics company was picketed by workers several times during the year. Workers called on the company to end litigation and conclude a collective bargaining agreement that has been pending for 10 years. Workers claimed that the company had refused to meet union officials, even though the Department of Trade Unions recognized the union.

Unions maintain independence both from the Government and from political parties, but individual union members may belong to political parties. Although union officers by law may not hold principal offices in political parties, individual trade union leaders have served in Parliament. Trade unions are free to associate with

national labor congresses, which exercise many of the responsibilities of national labor unions, although they cannot bargain for local unions. In 1997 longtime labor leader Zainal Rampak joined the ruling party, and in 1998 he was appointed to the Senate. Some union leaders are concerned that the MTUC, under Zainal's leadership, is losing its independence.

Although strikes are legal, the right to strike is restricted severely. The law contains a list of "essential services" in which unions must give advance notice of any industrial action. The list includes sectors not normally deemed essential under ILO definitions.

The 1967 Industrial Relations Act requires the parties to notify the Ministry of Human Resources that a dispute exists before any industrial action (strike or lockout) may be taken. The Ministry's Industrial Relations Department then may become involved actively in conciliation efforts. If conciliation fails to achieve settlement, the Minister has the power to refer the dispute to the Industrial Court. Strikes or lockouts are prohibited while the dispute is before the Industrial Court. The Industrial Relations Act prohibits employers from taking retribution against a worker for participating in the lawful activities of a trade union. Where a strike is legal, these provisions would prohibit employer retribution against strikers and leaders. Although some trade unions questioned their effectiveness, it is not possible to assess fully whether these provisions are being enforced effectively, given the limited number of cases of alleged retribution.

Strikes were extremely rare. In January 1999, the Deputy Human Resources Minister said that the (1997 and 1998) economic downturn was "not affecting industrial harmony" and noted that the country still seldom had strikes.

In June 130 employees of a cooking oil refinery in Johor staged a peaceful picket line to protest a deadlock in negotiations over a new collective bargaining agreement. Also in June, after a wildcat strike in which employees accused a Taiwanese textile firm of refusing to recognize the union and of mistreating workers, several thousand workers were fired. The employer reinstated the workers after further protests.

There are two national labor organizations. The MTUC is a federation of mainly private sector unions. The Congress of Unions of Employees in the Public and Civil Service (CUEPACS) is a federation of civil servant and teacher unions. Although the law grants public servants the right to organize at the level of ministries and departments, the Government has not responded to ILO requests for specific information on the numbers and categories of civil servant employees covered or details regarding the collective bargaining agreements reached. There are three national joint councils representing management and professional civil servants, technical employees, and nontechnical workers. In May 1999, various trade unions representing port workers announced plans to form a federation, potentially including 12,000 workers. There were no reports of further developments, and at year's end the federation was awaiting recognition by the federal Registrar of Trade Unions. In February the Government approved the establishment of a federation of airline unions that would represent about 20,000 employees in the aviation industry.

In February the Minister of Human Resources said that the Ministry was considering extending the Workmen's Compensation Act to include both local and foreign domestic workers. Foreign domestic workers presently have no protection under the act.

Enterprise unions can associate with international labor bodies and do so.

b. The Right to Organize and Bargain Collectively.—Workers have the legal right to organize and bargain collectively, and collective bargaining is widespread in those sectors where labor is organized. The law prohibits antiunion discrimination by employers against union members and organizers. Charges of discrimination may be filed with the Ministry of Human Resources or the Industrial Court. Critics say that the Industrial Court is slow in adjudicating worker complaints when conciliation efforts by the Ministry of Human Resources fail. However, others point out that the Industrial Court almost always sides with the workers in disputes. In August 1999, the press reported an MTUC survey that indicated that employers often ignore Industrial Court judgments with impunity. In January the Minister of Human Resources said that more Industrial Court chairmen would be appointed to deal with a backlog of more than 100 cases and noted that the courts were so congested that new cases could not be scheduled until January 2001. An opposition politician said in March that the backlog of cases approached 5,000.

The Government holds that issues of transfer, dismissal, and reinstatement are internal management prerogatives; therefore they are excluded from collective bargaining—against ILO standards. The Minister of Human Resources can suspend for up to 6 months any trade union that he deems is being used for purposes prejudicial to or incompatible with security or public order.

Companies in free trade zones (FTZ's) must observe labor standards identical to those in the rest of the country. Many workers in FTZ companies are organized, especially in the textile and electrical products sectors. The ILO continues to object to legal restrictions on collective bargaining in "pioneer industries."

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and the Government generally enforces this prohibition; however, trafficking in women, and occasionally girls, for the purpose of forced prostitution is a problem (see Sections 6.d. and 6.f.). In theory certain laws allow the use of imprisonment with compulsory labor as a punishment for persons who express views opposed to the established order or who participate in strikes. The constitutional prohibition renders these laws without effect.

The constitutional prohibition also applies to forced and bonded labor by children. Forced and bonded child labor is rare, and there were no cases reported during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1996 Children and Young Persons (Employment) Act prohibits the employment of children younger than the age of 14. The act permits some exceptions, such as light work in a family enterprise, work in public entertainment, work performed for the Government in a school or in training institutions, or work as an approved apprentice. In no case, may children work more than 6 hours per day, more than 6 days per week, or at night.

Child labor occurs in certain areas of the country. A 1993 joint report by the International Confederation of Free Trade Unions and the Asian and Pacific Regional Organization put the child work force at 75,000. However, government officials maintain that this figure is outdated, since it was based on a nationwide survey of child labor undertaken in 1980, which estimated that more than 73,400 children between the ages of 10 and 14 were employed full time. There is no reliable recent estimate of the number of child workers. Most child laborers work informally in the plantation sector, helping their parents in the field. However, only adult members of the family receive a wage. In urban areas, child labor can be found in family food businesses, night markets, and small-scale industries. Government officials do not deny the existence of child labor in family businesses, but maintain that foreign workers largely have replaced child labor and that the Government vigorously enforces child labor provisions. In September the Government ratified the International Labor Convention 182 on the prohibition and elimination of the worst forms of child labor. Forced and bonded labor by children is prohibited and generally is rare; however, occasional trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—There is no national minimum wage, but the Wage Councils Act provides for a minimum wage in those sectors or regions of the country where a need exists. Under the law, workers in an industry who believe that they need the protection of a minimum wage may request that a wage council be established. However, few workers are covered by minimum wages set by wage councils, and the Government prefers to let market forces determine wage rates. Minimum wages set by wage councils generally do not provide a decent standard of living for a worker and family. However, prevailing wages, even in the sectors covered by wage councils, are higher than the minimum wages set by the wage councils and often do provide a decent living. In May the Human Resources Minister said that nonunion labor would be brought under the wage council system. In May 1999, former Human Resources Minister Datuk Lim Ah Lek said that the Government was not against a minimum wage, but that it was not ready to set the amount at \$316 (1,200 ringgit) per month (as proposed by some unions). In June Human Resources Minister Fong Chan Onn reiterated that the Government was not opposed to a minimum wage and said that his ministry wanted to discuss with the MTUC the manner in which the MTUC calculated its new proposal for a \$237 (900 ringgit) per month minimum wage.

Plantation workers generally receive either piecework or daily wages. Many NGO's and union officials proposed a monthly wage for plantation workers. In September a support committee representing 80,000 rubber and palm oil workers from 300 plantations called on the Government to set up a special cabinet committee to expedite the implementation of a minimum monthly wage for plantation workers. A spokesperson for the group said such a wage should not be less than \$197 (750 ringgit) per month. The Government had taken no action by year's end.

Under the 1955 Employment Act, working hours may not exceed 8 hours per day or 48 hours per workweek of 6 days. Each workweek must include a 24-hour rest period. The act also sets overtime rates and mandates public holidays, annual leave, sick leave, and maternity allowances. The Labor Department of the Ministry of Human Resources enforces these standards, but a shortage of inspectors precludes

strict enforcement. In May the Appeals Court ruled that a company must give proper notification to its workers when selling its business to another entity. The Appeals Court ruled that compelling an employee to work for a new employer without offering the option to terminate the labor contract amounted to a form of forced labor. The Appeals Court ordered the employers to compensate the workers for failing to give proper notification of sale as prescribed by the Employment Act.

Legal and illegal foreign workers from Indonesia, the Philippines, Burma, Thai-

Work-related accidents are especially high in the plantation sector. According to the Human Resources Ministry, 14 percent of all reported industrial accidents occurred on plantations. The number of work-related accidents on plantations rose 6 percent in 1999, and statistics from the first half of the year indicated an accident rate comparable with the 1999 figures.

Employers or employees that violate the OSHA are subject to substantial fines or imprisonment for up to 5 years. There are no specific statutory or regulatory provisions that provide a right for workers to remove themselves from dangerous workplace conditions without arbitrary dismissal.

f. Trafficking in Persons.—The Constitution prohibits slavery; however, this provision has not been invoked in cases of trafficking in persons, and trafficking in women, and occasionally girls, for the purpose of forced prostitution is a problem. The Penal Code includes special provisions related to trafficking for purposes of prostitution. Sections specifically target minors, prohibiting the sale or hire of anyone under 21 for purposes of prostitution. Another section prohibits the importing of any woman for purposes of prostitution. Punishment for these offenses includes a maximum 10 year prison term or a fine, to be determined at the discretion of the sentencing judge. In November local press reported that implementation of the Child Act 2000, which automatically repeals the 1973 Women and Girls Protection, creates a legal loophole that decriminalizes procuring. The specific offense of procurement had only been covered by the Women and Girls Protection Act. The press reported that the Ministry of National Unity and Social Development was working with the Attorney General's drafting department to close the loophole, but no developments were reported at year's end.

Malaysia is a source, transit, and destination country for trafficking in women and girls for sexual exploitation. During the year, the Royal Malaysian Police arrested 3,607 foreign prostitutes, compared to 3,301 in 1999. Police believe that the increased number of arrests is a result of greater numbers of women being brought to the country from countries of the former Soviet Union. Most prostitutes in the country still come from neighboring Indonesia, the Philippines, Burma, Thailand, and China. These women often work as karaoke hostesses, "guest relations officers," and masseuses. Malaysian women are trafficked for sexual purposes mostly to Singapore, Macau, Hong Kong, and Taiwan, but also to Japan, Australia, Canada, and the United States. According to police and Chinese community leaders, Malaysian women who are victims of traffickers are almost exclusively ethnic Chinese, though ethnic Malay and ethnic Indian women work as prostitutes domestically. Police and NGO's believe that Chinese criminal syndicates are behind most of the trafficking (both incoming and outgoing) of women of all nationalities. The Deputy Home Minister stated in 1997 that 4,200 Malaysian girls and young women were reported missing in 1997. Political parties and NGO's estimate that a portion of these women and girls were victims of traffickers. Authorities prosecute traffickers in child prostitution vigorously.

A few government officials may provide counterfeit documents illicitly to traffickers (although no specific cases were reported), but the Government investigates and punishes those involved in such cases. The Government assists underage girls and has rescued some kidnaped women. Police often raid venues of prostitution. For example, Selangor state police stated that they raided 1,230 suspected "vice dens" during 1999. However, NGO's and women's rights activists complain that police have no coherent policy to protect victims of trafficking. Rather than prosecute traffickers, police generally arrest or deport individual women for prostitution. Statistics for apprehension of traffickers are not available. In 1998 the press quoted an anonymous police official as saying that the country had become a "safe haven" for traffickers. A police spokesman who was asked for official comment responded by questioning whether press reporting on trafficking in women was in the national interest.

A local women's NGO is working with the Malaysian Bar Council on draft legislation specifically aimed at prosecuting traffickers and protecting victims.

MARSHALL ISLANDS

The Republic of the Marshall Islands, a self-governing nation under the Compact of Free Association with the United States, is composed of 29 atolls and 5 islands in the central Pacific, with a total land area of about 70 square miles. The approximately 51,000 inhabitants are of Micronesian origin and concentrated primarily on Majuro and Kwajalein atolls. The Constitution provides for free and fair elections and executive and legislative branches. The legislature consists of a 33-member Par-

liament (Nitijela), and a Council of Chiefs (Iroij), which serves a largely consultative function dealing with custom and traditional practice. The President is elected by majority Nitijela vote, and he appoints his Cabinet from its membership. The Constitution provides for an independent judiciary; however, past governments have attempted to influence the judiciary.

Under the Compact of Free Association, the United States is responsible for defense and national security, and the Marshall Islands has no external security force of its own. The national and local police forces have responsibility for internal security. These agencies honor constitutional and legal civil rights protections in executing their responsibilities.

The economy depends mainly on transfer payments from the United States. Coconut oil and copra exports, a small amount of tourism, import and income taxes, and fishing licensing fees generate limited revenues.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. There were occasional instances of denial of due process for detainees. Violence against women and child abuse are problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly forbids such practices, and there were no reports that officials employed them. Security forces generally respect this prohibition.

Prison conditions, while Spartan, meet minimum international standards.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government generally observes these prohibitions. Nonetheless, there were several reported cases of arbitrary detention lasting over 24 hours in which persons were denied their rights to be charged or released within the specified time, or to be informed of the charges against them.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in the past, the Government has attempted to influence judicial matters through legislative or administrative means. A foreign national former high court judge who had had disagreements with the previous government was terminated prematurely by it in June 1999 but was appointed to the Supreme Court in May. In January, in his inaugural address, President Note pledged to protect the independence of the judiciary, following the past 4 years during which three chief justices resigned or were terminated by the Government. During the year, there have been no known incidents of executive pressure on the judiciary.

The judiciary consists of a Supreme Court with appellate jurisdiction, a High Court with general jurisdiction in civil and criminal matters and appellate jurisdiction over subordinate courts at the district and community levels, and a Traditional Rights Court with jurisdiction in cases involving matters of customary law and traditional practice.

The Constitution provides for the right to a fair trial, and the Government generally respects this right.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution provides for freedom from such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally honors these rights in practice. Unlike past years, when government influence led to occasional self-censorship by the media in areas of political or cultural sensitivity, there were no known instances of self-censorship during the year.

There is a privately owned weekly newspaper with articles and opinions in both English and the Marshallese language.

There is one radio station, which is government owned. In the past, live broadcasts of the legislative session were cut when remarks were critical of the Government; however, this did not occur under the Note Government. A cable television company broadcasts a variety of foreign news and entertainment programs and occasional videotaped local events.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

During the year, seeking to halt an alleged spate of illegal entries by Chinese and other foreign nationals, the Government launched an alien registration drive. In addition the Government is considering regulations that would reserve certain types of businesses for citizens.

There are no recent reports of refugees. The Government has not formulated a policy regarding refugees, asylees, or first asylum.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic elections. The Nitijela (Parliament) and mayors are elected by secret ballot every 4 years with universal suffrage for citizens 18 years of age and older. The most recent Nitijela election was held on November 15, 1999, and, in a record turnout, voters signaled dissatisfaction with the incumbent government by defeating five of the eight incumbent ministers seeking reelection. On January 3, President Kessai Note was selected unopposed by the Nitijela from among its 33 members. The President subsequently selected 10 cabinet ministers from among the Nitijela members. Executive power is centralized in the President and his Cabinet. This group dominates the legislature as well. There are no restrictions on the formation of political parties. Political activity by foreigners is prohibited.

There are no legal impediments to women's participation in government and politics. One woman was elected to the Nitijela in the 1999 elections. Society is matrilineal, and those men and women who exercise traditional leadership and land ownership powers derive their rights either from their own positions in the family, or from relationships deriving from their mother's and sister's lineage. However, urbanization and the movement of the population away from the lands that they control is leading to a decline in the traditional authority exercised by women. Women's cultural responsibilities and traditionally passive roles are not seen to be managerial or executive in nature, and women remain underrepresented in Parliament and in senior government positions.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

While there are no official restrictions, no local nongovernmental human rights organizations have been formed. No international human rights organization has expressed interest or concern or visited the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of sex, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent, and the Government generally respects these provisions.

Women.—The Government identifies spousal abuse as common. Wife beating is not condoned in society, and most assaults occur while the assailant is under the influence of alcohol. The Government's health office provides counseling for reported spouse and child abuse cases, but advises that many cases go unreported. Assault is a criminal offense, but women involved in domestic violence are reluctant to prosecute spouses in the court system. Women's groups publicize women's issues and attempt to create a greater awareness of the rights of women. Violence against women outside the family occurs, and women in the urban centers would assume a risk by going out alone after dark.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. No instances of unequal pay for equal work or of sex-related job discrimination were reported. However, while women workers are very prevalent in the private sector, many of them are in low paying jobs with little hope of advancement.

Children.—The Government is committed to children's welfare through its programs of health care and free education, but these have not been adequate to meet the needs of the country's sharply increasing population.

It is estimated that up to 20 percent of elementary school age children do not attend school on a regular basis. The Government does not enforce the compulsory education law due to a lack of classrooms and teachers. The Government's enrollment report indicates that only two-thirds of those completing eighth grade attend high school. Of that number, 50 percent eventually graduate.

Child abuse and neglect are criminal offenses; however, awareness of children's rights remains low among the general population. The law requires teachers, caregivers, and other persons to report instances of child abuse and exempts them from civil or criminal liability as a consequence of making such a report. However, there are few reports and few prosecutions. Child abuse and neglect are considered to be on the increase. Apparently contributing to the problem are the influences on family life and traditional values arising from increased urbanization, unemployment, population pressures, two-earner households, and the availability of alcohol and illegal gambling.

People with Disabilities.—There is no apparent discrimination against disabled persons in employment, education, or in the provision of other state services. There are no building codes, and there is no legislation mandating access for the disabled.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of free association in general, and the Government interprets this right as allowing the existence of labor unions, although none has been formed to date. The Constitution does not provide for the right to strike, and the Government has not addressed this issue.

In mid-October, there was a weeklong strike against the government-owned Air Marshall Islands. Although the Attorney General's Office has indicated that some of the strikers apparently were in violation of national labor laws, there has been no retaliation against any of the strikers. In December the airline managers were relieved of their duties.

b. The Right to Organize and Bargain Collectively.—There is no legislation concerning collective bargaining or trade union organization. However, there are no impediments to the organization of trade unions or to collective bargaining. Wages in the cash economy are determined by market factors in accordance with the minimum wage and other laws.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits involuntary servitude, and there is no evidence of its practice. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law does not prohibit the employment of children. Children typically are not employed in the wage economy, but some assist their families in fishing, agriculture, and other small-scale domestic enterprises. The law requires compulsory education for children from 6 to 14 years of age, but the Government does not enforce this law due to a lack of classrooms and teachers. There is no law or regulation setting a minimum age for employment of children.

The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—A government-specified minimum wage is established by law, and it is adequate to maintain a decent standard of living in this subsistence economy where extended families are expected to help less fortunate members. The minimum wage for all government and private sector employees is \$2.00 per hour. (The U.S. dollar is the national currency.) The Ministry of Resources and Development oversees minimum wage regulations, and its oversight has been deemed adequate. Foreign employees and Marshallese trainees of private employers who have invested in or established a business in the country are exempt from minimum wage requirements. This exemption does not affect a significant segment of the work force.

There is no legislation concerning maximum hours of work or occupational safety and health. Most businesses are closed, and people generally refrain from work on Sunday.

A government labor office makes recommendations to the Nitijela on working conditions, such as the minimum wage, legal working hours and overtime payments, and occupational health and safety standards in accordance with International Labor Organization conventions. The office periodically convenes board meetings that are open to the public. No legislation specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no legislation protects workers who file complaints about such conditions.

f. Trafficking in Persons.—There are no specific laws concerning trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

FEDERATED STATES OF MICRONESIA

The Federated States of Micronesia (FSM) is composed of 607 small islands extending over a large area of the central Pacific. Four states—Chuuk (formerly Truk), Kosrae, Pohnpei, and Yap—make up the federation. The population is estimated at 130,000, mostly of Micronesian origin. The four states were part of the Trust Territory of the Pacific Islands and were administered by the United States from 1947 to 1986 pursuant to an agreement with the United Nations. Political legitimacy rests on the popular will expressed by a majority vote through elections in accordance with the Constitution. There are three branches of government: An executive branch led by a president who also serves as head of state; a unicameral legislature elected from the four constituent states; and an independent judicial system that applies criminal and civil laws and procedures that closely paralleling those of the United States. Traditional leaders retain considerable influence.

Under the Compact of Free Association, the United States is responsible for the islands' defense. The FSM has no security forces apart from national police, who operate under the office of the Secretary of Justice, and public safety officers, who operate under the authority of the attorney generals of the individual state governments.

The economy depends heavily on transfer payments from the United States, fishing, tourism, and subsistence agriculture.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Traditional customs distinguish between persons on the basis of social status and sex. There is growing evidence of increased spousal abuse and child neglect, and government agencies often ignore such problems due to the constraints imposed by traditional society. Neither the Government nor other organizations successfully have filled the role of the traditional extended family in protecting and supporting its members.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings. There was a suspicious death of a prisoner in custody early in the year, and a March 1999 prisoner suicide (see Section 1.c.). Both cases remain open but are not known to be under active investigation.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There was no pattern of torture or other cruel, inhuman, or degrading treatment or punishment. In August two off-duty policemen reportedly beat a foreign national at a bar in Pohnpei. Both officers were dismissed from the police force, and the case was referred to the Attorney General for prosecution.

Prison conditions meet minimum international standards. There was a suspicious death of a prisoner in custody early in the year, and a March 1999 suicide of a prisoner (see Section 1.a.). Both cases remain open but are not known to be under active investigation.

No local organizations concern themselves solely with human rights, and the question of prison visits by human rights monitors did not arise during the year.

d. Arbitrary Arrest, Detention, or Exile.—Legal procedures, for the most part patterned after U.S. law, provide for due process, which is carefully observed.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it is independent in practice.

The Chief Justice of the Supreme Court is appointed by the President, with the advice and consent of the legislature.

Public trial is provided for in the Bill of Rights, and trials are conducted fairly. Juveniles may have closed hearings. Despite these provisions, cultural resistance to litigation and incarceration as methods of maintaining public order has allowed some persons to act with impunity. Serious cases of sexual and other assault and even murder have not gone to trial, and suspects routinely are released indefinitely. Bail, even for major crimes, usually is set low.